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SL No 7133



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 5, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### NOTICE OF APPLICATION TO THE CIVIL COURT TO GRANT A CERTIFICATE OF ADMINISTRATION FOR THE ESTATE OF A DECEASED, SECTION 250, ACT X OF 1865.

NO. OF APPLICATION 3—1890.

*In the Court of the Judicial Commissioner,  
Central Provinces.*

*In re DAVID WALLACE, DECEASED.*

Whereas application has been made by James Wallace, Executive Engineer, Public Works Department, District Engineer, Delhi-Umballa-Kalka Railway, at present residing at Delhi, brother of the deceased, for the grant of a certificate of administration to the estate of David Wallace (deceased), son of James Wallace, of the Beake, St. Andrews, Scotland, late Executive Engineer, Public Works Department, Jubbulpore: All persons claiming to have any interest in the estate of the abovementioned deceased person or any part thereof, are hereby invited in accordance with the provisions of Section 250, Act X of 1865, to attend this Court and see the proceedings before the grant of letters of administration on the 10th day of July, 1890, which date has been fixed for hearing the petition of the applicant.

By Order,

A. B. NAPIER,

*Registrar,*

*Judicial Commissioner's Court,  
Central Provinces.*

NAGPUR,

The 22nd April, 1890.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Notes, Nos. 123918 and 123919 of 4 per cent. loan of 1842-43, for Rs500 each, and Nos. 280318, 145608 and 145609 of 4 per cent. loan of 1865, for Rs1,000, Rs500 and Rs500, respectively. Of the five notes, the first three originally standing in the name of the Bank of Bengal (having been last endorsed to Peary Mohun Ghose) and the last two in that of Peary Mohun Ghose, the proprietor of all of them, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietor, after two years from date of last advertisement.

PEARY MOHUN GHOSE,

*Goup Mohun Mukherji's Street, Simla,  
Calcutta.*

#### Destroyed.

Three Government Promissory Notes, Nos. 256779, 256780, and 256781, of the 4 per cent. loan of 1865, for Rs100 each, originally standing in the name of the Bank of Bengal, last endorsed to me, the proprietor, by whom they were never endorsed to any other person, having been destroyed, notice is hereby given that the payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and the Treasury of Burdwan, and that application is about to be made for the issue of duplicates in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

SURENDRA NATH MOOKERJEE,

*Jungam, Burdwan.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 12, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### NOTICE OF APPLICATION TO THE CIVIL COURT TO GRANT A CERTI- FICATE OF ADMINISTRATION FOR THE ESTATE OF A DECEASED, SECTION 250, ACT X OF 1865.

NO. OF APPLICATION 3—1890.

*In the Court of the Judicial Commissioner,  
Central Provinces.*

*In re* DAVID WALLACE, DECEASED.

Whereas application has been made by James Wallace, Executive Engineer, Public Works Department, District Engineer, Delhi-Umballa-Kalka Railway, at present residing at Delhi, brother of the deceased, for the grant of a certificate of administration to the estate of David Wallace (deceased), son of James Wallace, of the Beake, St. Andrews, Scotland, late Executive Engineer, Public Works Department, Jubbulpore: All persons claiming to have any interest in the estate of the abovementioned deceased person or any part thereof, are hereby invited in accordance with the provisions of Section 250, Act X of 1865, to attend this Court and see the proceedings before the grant of letters of administration on the 10th day of

July, 1890, which date has been fixed for hearing the petition of the applicant.

By Order,

A. B. NAPIER,

*Registrar,  
Judicial Commissioner's Court,  
Central Provinces.*

NAGPUR,

*The 22nd April, 1890.*

### PROMISSORY NOTES.

#### Destroyed.

Three Government Promissory Notes, Nos. 256779, 256780, and 256781, of the 4 per cent. loan of 1865, for Rs 100 each, originally standing in the name of the Bank of Bengal, last endorsed to me, the proprietor, by whom they were never endorsed to any other person, having been destroyed, notice is hereby given that the payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and the Treasury of Burdwan, and that application is about to be made for the issue of duplicates in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

SURENDRA NATH MOOKERJEE,

*Jaugram, Burdwan.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, JULY 19, 1890.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

ERRATUM.—In the notice published in respect of Stolen Government Promissory Note in the *Gazette of India*, Part III, page 100, dated the 14th December, 1889, Part III, page 101, dated the 21st December, 1889, and Part III, page 103, dated the 28th December, 1889—*For* "Government Promissory Note, No. 110326, of the 4 per cent. loan of the 1st May, 1865, for Rs. 1,000, originally standing in the name of Commercial Mortgage Bank of India, London, and China"—*read* "Government Promissory Note,

No. 110326, of the 4 per cent. loan of the 1st May, 1865, for Rs. 1,000, originally standing in the name of the Chartered Mercantile Bank of India, London, and China." *For* "Government Promissory Note, No. 110324, of the 4 per cent. loan of 1st May, 1865, for Rs. 1,000, originally standing in the name of Commercial Mortgage Bank of India, London, and China"—*read* "Government Promissory Note, No. 110324, of the 4 per cent. loan of 1st May, 1865, for Rs. 1,000, originally standing in the name of the Chartered Mercantile Bank of India, London, and China."

C. CHENGALVARAYA NAIDU.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 2, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

*Abstract Statement of Receipts and Disbursements of the Uncovenanted Service Family Pension Fund for the Second Quarter ending 31st October 1889, compared with the corresponding quarter of the year 1888.*

PARTICULARS.	For the 2nd quarter ending 31st October 1889.			For the 2nd quarter ending 31st October 1888.			Increase.			Decrease]			
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
Balance at credit of the Fund on the Government books at the end of previous quarter ... ..	1,06,79,073	4	2	1,02,98,037	8	4	3,81,035	10	10	...	...	...	
ADD RECEIPTS—													
Subscriptions from August to October in the Widows' Fund ...	1,30,110	5	6	1,28,084	4	9	2,026	0	9	...	...	...	
Ditto ditto Children's Fund ...	80,322	4	8	86,938	2	9	...	...	...	806	14	0	
Entrance fees, &c. ditto Charges General ...	479	14	1	302	13	2	177	0	9	...	...	...	
Amount of divisible surplus transferred on account excess abatement ... ..	1,238	4	0	686	4	0	552	0	0	...	...	...	
Total Receipts ...	2,18,160	12	3	2,16,041	8	9	3,275	1	6	...	...	...	
GRAND TOTAL ...	1,08,98,124	0	6	1,05,13,078	2	1	3,85,046	12	4	...	...	...	
DEDUCT DISBURSEMENTS—													
Pensions payable to incumbents for the above period in the Widows' Fund ... ..	99,144	10	4	95,310	11	5	3,834	14	9	...	...	...	
Pensions payable to incumbents for the above period in the Children's Fund ... ..	68,882	0	8	65,889	1	4	2,993	8	4	...	...	...	
Establishment, including house-rent and contingencies ...	7,744	1	0	7,213	14	6	531	2	6	...	...	...	
Loss on exchange on remittances of pensions ... ..	16,394	8	8	20,637	12	8	...	...	...	1,443	9	0	
Amount of fine written back ... ..	16	1	0	28	10	0	...	...	...	12	8	6	
Total Disbursements ...	1,92,281	10	2	1,88,569	2	2	3,725	9	6	...	...	...	
Balance in favour of the Fund, exclusive of interest ...	1,7,06,842	6	2	1,7,33,492	15	11	26,350	2	10	...	...	...	
Proportion of divisible surplus payable to qualified subscribers. .	67,697	0	0	81,474	0	0	13,777	0	0	...	...	...	
	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	
Number of subscribers ... ..	1,603	1,033	1,664	1,030	...	...	3	...	...	...	...	...	
Ditto incumbents ... ..	471	877	460	898	91	11	...	...	...	...	...	...	
Ditto sharing in the divisible surplus ... ..	1,247	804	1,218	780	24	14	...	...	...	...	...	...	

A Net increase in receipts ... 3,109 3 0  
B Net increase in disbursements ... 3,635 8 0  
C Net increase in balance ... 3,82,346 0 4

E. H. LLOYD, } Auditors.  
R. A. FINK, }

Published by order of the Directors,  
W. H. RYLAND, Secretary,  
U. & F. Pension Fund.

G. W. MACLEOD, Accountant.  
UNCOVENANTED SERVICE FAMILY PENSION FUND OFFICE, the 10th July 1890.



**BRUCE INSTITUTION.****ANNUAL ELECTION, 1890.**

The Governors of the Bruce Institution will proceed at 5 P.M., on Wednesday, the 27th August, 1890, to the election of twelve Eurasian girls on the Bruce Foundation. Candidates must, on the day of election, be not under five or over ten years of age, and preference will be given to orphans and to those deserted by their parents.

Forms of application may be obtained from the Assistant in charge of the Office of the Bruce Institution, Room No. 29 top floor, Writers' Buildings, and applications on these forms only will be received by that Officer up to Wednesday, the 20th August, 1890.

By order of the Governors,

A. CROFT,  
*Honorary Secretary.*

OFFICE OF THE BRUCE INSTITUTION,  
*The 23rd July, 1890.*

**PROMISSORY NOTES.****Lost.**

The Government Promissory Note, No. 184482, of the 4 per cent. loan of 1865, for

Rs. 1,000, originally standing in the name of Bank of Bengal, and last endorsed to the 1st Talooqdar of Nawab Vicar-ul-Umrah, by Pooncha Lutchmiah, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

SETH SOBHAGMULL DHUDHA,

*Proprietor of the firm of Pudumsi Vanisi  
at Hyderabad.*

**Lost.**

The Government Promissory Note, No. 202482, of the 4 per cent. loan of 1865, for Rs. 1,000, originally standing in the name of Bank of Madras, and last endorsed to the 1st Talooqdar of Nawab Vicar-ul-Umrah, by Pooncha Lutchmiah, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

SETH SOBHAGMULL DHUDHA,

*Proprietor of the firm of Pudumsi Vanisi  
at Hyderabad,  
Deccan.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 9, 1890.

Separate paging is given to this Part in order that it may be filed as a separate communication.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRUCE INSTITUTION.

#### ANNUAL ELECTION 1890.

The Governors of the Bruce Institution will proceed at 5 P.M., on Wednesday, the 27th August, 1890, to the election of twelve Eurasian girls on the Bruce Foundation. Candidates must, on the day of election, be not under five or over ten years of age, and preference will be given to orphans and to those deserted by their parents.

Forms of application may be obtained from the Assistant in charge of the Office of the Bruce Institution, Room No. 29 top floor, Writers' Buildings, and applications on these forms only will be received by that Officer up to Wednesday, the 20th August, 1890.

By order of the Governors,

A. CROFT,  
Honorary Secretary.

OFFICE OF THE BRUCE INSTITUTION,  
The 23rd July, 1890.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note, No. 124482, of the 4 per cent. loan of 1865, for Rs. 1,000, originally standing in the name of Bank of Bengal, and last endorsed to the 1st Talooqdar of Nawab Vicar-ul-Umrah, by Pooncha Lutchmiah, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

SETH SOBHAGMULL DHUDHA,  
Proprietor of the firm of Pudumsi Vanisi  
at Hyderabad.

#### Lost.

The Government Promissory Note, No. 202482, of the 4 per cent. loan of 1865, for Rs. 1,000, originally standing in the name of Bank of Madras, and last endorsed to the 1st Talooqdar of Nawab Vicar-ul-Umrah, by Pooncha Lutchmiah, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

SETH SOBHAGMULL DHUDHA,

Proprietor of the firm of Pudumsi Vanisi  
at Hyderabad,  
Deccan.

#### Lost.

At Belgaum, at my house, on or about the 10th of October, 1889, the Government Promissory Note, No. 156010, of the 4 per cent. loan of 1865, for Rs. 500, originally standing in the name of not ascertainable, and last endorsed to Radhabai Joglekar, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and application is about to be made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

RADHABAI JOGLEKAR,

Near Municipal Office,  
Belgaum.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 16, 1890.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRUCE INSTITUTION.

#### ANNUAL ELECTION 1890.

The Governors of the Bruce Institution will proceed at 5 P.M., on Wednesday, the 27th August, 1890, to the election of twelve Eurasian girls on the Bruce Foundation. Candidates must, on the day of election, be not under five or over ten years of age, and preference will be given to orphans and to those deserted by their parents.

Forms of application may be obtained from the Assistant in charge of the Office of the Bruce Institution, Room No. 29 top floor, Writers' Buildings, and applications on these forms only will be received by that Officer up to Wednesday, the 20th August, 1890.

By order of the Governors,

A. CROFT,  
Honorary Secretary.

OFFICE OF THE BRUCE INSTITUTION,  
The 23rd July, 1890.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note, No. 111111, of the 4 per cent. loan of 1865, for Rs. 1,000, originally standing in the name of Bank of Bengal, and last endorsed to the 1st Talooqdar of Nawab Vicar-ul-Umrah, by Pooncha Lutchmiah, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

SETH SOBHAGMULL DHUDHA,  
Proprietor of the firm of Pudumsi Vanisi  
at Hyderabad.

#### Lost.

The Government Promissory Note, No. 202482, of the 4 per cent. loan of 1865, for Rs. 1,000, originally standing in the name of Bank of Madras, and last endorsed to the 1st Talooqdar of Nawab Vicar-ul-Umrah, by Pooncha Lutchmiah, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

SETH SOBHAGMULL DHUDHA,

Proprietor of the firm of Pudumsi Vanisi  
at Hyderabad,  
Deccan.

#### Lost.

At Belgaum, at my house, on or about the 10th of October, 1889, the Government Promissory Note, No. 156010, of the 4 per cent. loan of 1865, for Rs. 500, originally standing in the name of not ascertainable, and last endorsed to Radhabai Joglekar, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and application is about to be made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

RADHABAI JOGLEKAR,  
Near Municipal Office,  
Belgaum.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 23, 1890.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

At Belgaum, at my house, on or about the 10th of October, 1889, the Government Promissory Note, No. 156010, of the 4 per cent. loan of 1865, for Rs500, originally standing in the name of not ascertainable, and last endorsed to Radhabai Joglekar, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and application is about to be made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

RADHABAI JOGLEKAR,  
*Near Municipal Office,  
Belgaum.*

#### Destroyed by Fire.

The Government Promissory Notes, Nos. 089547, 089548, 089549, and 089550, Public Debt Office, Bombay, Nos. 001037, 001038, 001039, and 001040, of the 4½ per cent. loan of 1879, for Rs100 each, originally standing in the name of Dhurumsey Naranjee, and No. 013120, of the 4½ per cent. of 1878, for Rs100, in the name of Mangesh Shabaram, and Nos. 083751 and 083752 of the 4½ per cent. loan of 1879, for Rs100 each, in the name of Cowasjee Byramjee and Maneckjee Merwanjee, and No. 077482, of the 4½ per cent. loan of 1879, for Rs100, in the name of Furdoonjee Limjeebhoy Panday, and last endorsed to Cowasjee Byramjee, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietor after two years from date of last advertisement.

COWASJEE BYRAMJEE,  
*80—82, Basar Gate Street.*

BOMBAY,  
*The 19th July, 1890.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 30, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Notes, Nos. 007104, 007265, and 007266, of the 4 per cent. of 1854-55, for Rs. 1,000, Rs. 500, and Rs. 500, respectively, originally standing in the name of Mud-dunjee Dhurumsee and Company, and last endorsed to Khetsey Pragjee, deceased, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

SHAMAVAHOO,

Wife of Madhowjee Visram,  
and only daughter of Khetsey Pragjee,  
House No. 61, Kalbadevi,  
Bombay.

#### Lost or Stolen.

The Government Promissory Note, No. 062752, of the 4 per cent. loan of 1872, for Rs. 500, originally standing in the name of Doorga Persaud Ghose, and last endorsed to Sreemutty Koomodeenee Dosi, the present owner, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and the application is about to be made for the issue of a duplicate in favour of the proprietor.

WATKINS & CO.,

Solicitors,  
2, Old Post Office Street.

#### Destroyed by Fire.

The Government Promissory Note, No. 156555, of 4 per cent. loan of 1865, for Rs. 5,000, originally standing in the name of the Chartered Bank of India, Australia, and China, and last endorsed to Maung Shwe Boo, Pensioned Extra Assistant Commissioner of Sandoway, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and

the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interests and for the issue of a duplicate in favour of the proprietor, after two years from date of last advertisement.

MAUNG SHWE BOO,

Sandoway.

#### Destroyed by Fire.

The Government Promissory Notes, Nos. 089547, 089548, 089549, and 089550, Public Debt Office, Bombay, Nos. 001037, 001038, 001039, and 001040, of the 4½ per cent. loan of 1879, for Rs. 100 each, originally standing in the name of Dhurumsey Naranjee, and No. 015120, of the 4½ per cent. of 1878, for Rs. 100, in the name of Mangesh Shabaram, and Nos. 083751 and 083752 of the 4½ per cent. loan of 1879, for Rs. 100 each, in the name of Cowasjee Byramjee and Maneckjee Merwanjee, and No. 077482, of the 4½ per cent. loan of 1879, for Rs. 100, in the name of Furdoonjee Limjeebhoy Panday, and last endorsed to Cowasjee Byramjee, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietor after two years from date of last advertisement.

COWASJEE BYRAMJEE,

80-82, Bazar Gate Street.

BOMBAY,

The 19th July, 1890.

### COUPONS.

#### Lost.

One coupon of Rs. 225 in respect of interest on Government of India 4½ per cent. Rupee Loan, 1879, relating to certificate No. F00010 for Rs. 10,000 for the half-year ending 15th September 1890.

A. C. MARSHALL,

Agent.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 6, 1890.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Notes, Nos. 007104, 007265, and 007266, of the 4 per cent. of 1854-55, for Rs. 1,000, Rs. 500, and Rs. 500, respectively, originally standing in the name of Muddunjee Dhurumsee and Company, and last endorsed to Khetsey Pragjee, deceased, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

SHAMAVAHOO,

Wife of Madhowjee Visram,  
and only daughter of Khetsey Pragjee,  
House No. 61, Kalbadevi,  
Bombay.

#### Lost.

The Government Promissory Note No. A027214 of the reduced 4 per cent. loan of 1879, for Rs. 1,000 only, originally standing in the name of Bank of Bengal, and last endorsed to Gopal Chandra Goopta, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietor after two years from date of last advertisement.

GOPAL CHANDRA GOOPTA,

7, Goopta's Lane,  
Calcutta.

#### Lost or Stolen.

The Government Promissory Note, No. 062752, of the 4 per cent. loan of 1872, for Rs. 500, originally standing in the name of Doorga Persaud Ghose, and last endorsed to Sreemutty Koomodeenee Dosi, the present owner, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and the application is about to be made for the issue of a duplicate in favour of the proprietor.

WATKINS & CO.,

Solicitors,  
2, Old Post Office Street.

#### Destroyed by Fire.

The Government Promissory Note, No. 156555, of 4 per cent. loan of 1865, for Rs. 5,000, originally standing in the name of the Chartered Bank of India, Australia, and China, and last endorsed to Maung Shwe Boo, Pensioned Extra Assistant Commissioner of Sandoway, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interests and for the issue of a duplicate in favour of the proprietor, after two years from date of last advertisement.

MAUNG SHWE BOO,

Sandoway.

#### Destroyed by Fire.

The Government Promissory Notes, Nos. 089547, 089548, 089549, and 089550, Public Debt Office, Bombay, Nos. 001037, 001038, 001039, and 001040, of the 4½ per cent. loan of

1879, for Rs100 each, originally standing in the name of Dhurumsey Naranjee, and No. 015120, of the 4½ per cent. of 1878, for Rs100, in the name of Mangesh Shabaram, and Nos. 083751 and 083752 of the 4½ per cent. loan of 1879, for Rs100 each, in the name of Cowasjee Byramjee and Maneckjee Merwanjee, and No. 077482, of the 4½ per cent. loan of 1879, for Rs100, in the name of Furdoonjee Limieebhoy Panday, and last endorsed to Cowasjee Byramjee, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietor after two years from date of last advertisement.

COWASJEE BYRAMJEE,  
80-82, Basar Gate Street.

BOMBAY,  
The 19th July, 1890.

#### Stolen.

The Government Promissory Notes, Nos. 131311 of 1842-43, for Rs1,000, 131313 and

131314 of 1842-43 for Rs500 each, 189684, 190072, 190073, and 226942 of 1865, for Rs1,000 each, all of 4 per cent., originally standing in the name of the Bank of Bengal, and last endorsed to Hara Dhon Nag, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

HARA DHON NAG,  
C. H. Assistant, Barika Dispensary.

#### COUPONS.

##### Lost.

One coupon of Rs225 in respect of interest on Government of India 4½ per cent. Rupee Loan, 1879, relating to certificate No. F00010 for Rs10,000 for the half-year ending 15th September 1890.

A. C. MARSHALL,  
Agent.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 13, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### HINDU FAMILY ANNUITY FUND.

*Abstract Statement of the Audited Accounts of the Hindu Family Annuity Fund for the Quarters ended 30th June and 30th September, 1889.*

RECEIPTS.	Quarter ended 30th June, 1889.			Quarter ended 30th September, 1889.			DISBURSEMENTS.	Quarter ended 30th June, 1889.			Quarter ended 30th September, 1889.		
	R.	s.	p.	R.	s.	p.		R.	s.	p.	R.	s.	p.
General Subscription . . .	8,192	2	3	8,959	7	3	Annuity . . . . .	1,562	6	3	2,031	3	6
Interest . . . . .	5,632	9	3	0	1	6	Establishment . . . . .	406	0	0	548	0	0
Miscellaneous Receipt . . .	2	13	0	3	14	0	Miscellaneous Charges . . .	324	7	9	323	2	0
Government of India . . .	2,325	0	0	2,877	0	0	Government of India for . .						
Advances Recoverable . . .	117	6	9	...			Deposit . . . . .	13,768	9	9	9,151	5	3
Entrance Fees . . . . .	11	0	0	42	0	0	Deposits . . . . .	160	3	9	138	8	3
Deposits . . . . .	67	0	0	204	15	9	Closing Cash Balance . . .	428	1	6	323	5	0
Opening Cash Balance . . .	301	13	9	428	1	6							
TOTAL . . R	16,649	13	0	12,515	8	0	TOTAL . . R	16,649	13	0	12,515	8	0

Published by order of the Directors agreeably to Rule 89.

GOPAUL CHUNDER GUPTA,

BROJONATH DUTT,

Auditors.

PRANKISSEN BOSE,

Secretary.

CALCUTTA,

The 8th September, 1890.



**PROMISSORY NOTES.****Lost.**

The Government Promissory Notes, Nos. 007104, 007265, and 007266, of the 4 per cent. of 1854-55, for Rs. 1,000, Rs. 500, and Rs. 500, respectively, originally standing in the name of Mud-dunjee Dhurumsee and Company, and last endorsed to Khetsey Pragjee, deceased, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

**SHAMAVAHOO,**

*Wife of Madhoojee Visram,  
and only daughter of Khetsey Pragjee,  
House No. 61, Kalbadavi,  
Bombay.*

**Lost.**

The Government Promissory Note No. A027214 of the reduced 4 per cent. loan of 1879, for Rs. 1,000 only, originally standing in the name of Bank of Bengal, and last endorsed to Gopal Chandra Goopta, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietor after two years from date of last advertisement.

**GOPAL CHANDRA GOOPTA,**

*7, Goopta's Lane,  
Calcutta.*

**Lost or Stolen.**

The Government Promissory Note, No. 062752, of the 4 per cent. loan of 1872, for Rs. 500, originally standing in the name of Doorga Persaud Ghose, and last endorsed to Sreemutty Koomodeenee Dosi, the present owner, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and the application is about to be made for the issue of a duplicate in favour of the proprietor.

**WATKINS & CO.,**

*Solicitors,  
2, Old Post Office Street.*

**Destroyed by Fire.**

The Government Promissory Note, No. 156555, of 4 per cent. loan of 1865, for Rs. 5,000, originally standing in the name of the Chartered Bank of India, Australia, and China, and last endorsed to Maung Shwe Boo, Pensioned Extra Assistant Commissioner of Sandoway, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interests and for the issue of a duplicate in favour of the proprietor, after two years from date of last advertisement.

**MAUNG SHWE BOO,**

*Sandoway.*

**Stolen.**

The Government Promissory Notes, Nos. 131311 of 1842-43, for Rs. 1,000, 131313 and 131314 of 1842-43 for Rs. 500 each, 189684, 190072, 190073, and 226942 of 1865, for Rs. 1,000 each, all of 4 per cent., originally standing in the name of the Bank of Bengal, and last endorsed to Hara Dhon Nag, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

**HARA DHON NAG,**

*C. H. Assistant, Barisa Dispensary.*

**COUPONS.****Lost.**

One coupon of Rs. 225 in respect of interest on Government of India 4½ per cent. Rupee Loan, 1879, relating to certificate No. F00010 for Rs. 10,000 for the half-year ending 15th September 1890.

**A. C. MARSHALL,**

*Agent.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 20, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note No. A027214 of the reduced 4 per cent. loan of 1879, for Rs. 1,000 only, originally standing in the name of Bank of Bengal, and last endorsed to Gopal Chandra Goopta, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietor after two years from date of last advertisement.

GOPAL CHANDRA GOOPTA,  
7, Goopto's Lane,  
Calcutta.

#### Stolen.

The Government Promissory Notes, Nos. 131311 of 1842-43, for Rs. 1,000, 131313 and 131314 of 1842-43 for Rs. 500 each, 189684, 190072, 190073, and 226942 of 1865, for Rs. 1,000 each, all of 4 per cent., originally standing in the name of the Bank of Bengal, and last endorsed to Hara Dhon Nag, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

HARA DHON NAG,  
C. H. Assistant, Barisa Dispensary.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, SEPTEMBER 27, 1890.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost, Stolen, or Destroyed.

The Government Promissory Note, No. 187065, of the 4 per cent. loan of 1st May, 1865,

for Rs500, originally standing in the name of Debnath Sreemany, lastly bore a blank endorsement of Prosad Dass Boral.

RUSSICK LALL MULICK.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, OCTOBER 4, 1890.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost, Stolen, or Destroyed.

The Government Promissory Note, No. 187065, of the 4 per cent. loan of 1st May, 1865,

for Rs500, originally standing in the name of Debnath Sreemany, lastly bore a blank endorsement of Prosad Dass Boral.

RUSSICK LALL MULICK.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 11, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost, Stolen, or Destroyed.

The Government Promissory Notes, Nos. 257539, 268463, and 268464 of the 4 per cent. of 1865 for Rs300, Rs500, and Rs500, respectively, originally standing in the names of the Accountant General, High Court, Madras, and the Bank of Madras, respectively, and last endorsed to A. DeSouza Barrett, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon having been stopped at the Public Debt Office, Bank of Bengal, an application is

about to be made for the issue of duplicates in favour of the proprietor.

A. DESOUZA BARRETT,  
*Hyderabad, Deccan.*

#### Lost, Stolen, or Destroyed.

The Government Promissory Note, No. 187065, of the 4 per cent. loan of 1st May, 1865, for Rs500, originally standing in the name of Debnath Sreemany, lastly bore a blank endorsement of Prosad Dass Boral.

RUSSICK LALL MULICK.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 18, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### HINDU FAMILY ANNUITY FUND.

*Abstract Statement of the Audited Accounts of the Hindu Family Annuity Fund for the Quarter ended 31st December, 1890.*

RECEIPTS.	Quarter ended 31st December, 1890.	DISBURSEMENTS.	Quarter ended 31st December, 1890.
	R a. p.		R a. p.
General Subscription . . . . .	7,400 15 3	Annuity . . . . .	1,729 15 0
Interest . . . . .	6,100 0 0	Establishment . . . . .	274 0 0
Miscellaneous Receipts . . . . .	1 9 0	Valuation of Assets and Liabilities . . . . .	730 0 9
Government of India . . . . .	2,840 0 0	Government of India for Deposit . . . . .	13,597 8 9
Entrance Fees . . . . .	27 0 0	Deposits . . . . .	99 3 6
Deposits . . . . .	111 13 9	Miscellaneous Charges . . . . .	166 10 0
Opening Cash Balance . . . . .	323 5 0	Closing Cash Balance . . . . .	214 4 3
TOTAL . R	16,804 11 0	TOTAL . R	16,804 11 0

Published by order of the Directors, agreeably to Rule 89.

GOPAL CHANDRA GUPTA,  
BROJONATH DUTT,

Auditors.

FRANKISSEN BOSE,  
Secretary.

CALCUTTA,  
The 14th October, 1890.

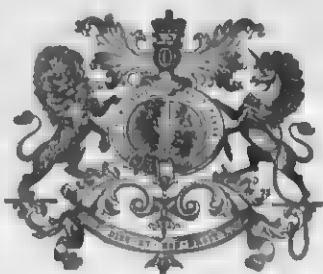
### PROMISSORY NOTES.

#### Lost, Stolen, or Destroyed.

The Government Promissory Notes, Nos. 257559, 268463, and 268464 of the 4 per cent. of 1865 for Rs300, Rs500, and Rs500, respectively, originally standing in the names of the Accountant General, High Court, Madras, and the Bank of Madras, respectively, and last endorsed to

A. DeSouza Barrett, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon having been stopped at the Public Debt Office, Bank of Bengal, an application is about to be made for the issue of duplicates in favour of the proprietor.

A. DESOUZA BARRETT,  
Hyderabad, Deccan.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, OCTOBER 25, 1890.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

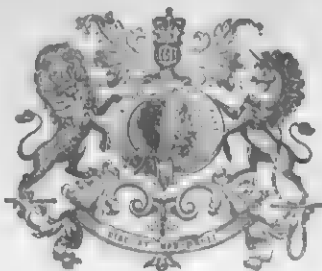
### PROMISSORY NOTES.

#### Lost, Stolen, or Destroyed.

The Government Promissory Notes, Nos. 257559, 268463, and 268464 of the 4 per cent. of 1865 for Rs300, Rs500, and Rs500, respectively, originally standing in the names of the Accountant General, High Court, Madras, and the Bank of Madras, respectively, and last endorsed to

A. DeSouza Barrett, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon having been stopped at the Public Debt Office, Bank of Bengal, an application is about to be made for the issue of duplicates in favour of the proprietor.

A. DESOUZA BARRETT,  
*Hyderabad, Deccan.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 1, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost, Stolen, or Destroyed.

The Government Promissory Notes, Nos. 273273 and 257741, of the 4 per cent. of 1865, for Rs. 1,000 and Rs. 500, respectively, originally standing in the name of Agent, Branch Bank of Bengal, Cawnpur, and then endorsed to Husaini Begam, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

HUSAINI BEGAM,  
Cawnpur.

#### Partially Destroyed.

The Government Promissory Note, No. A010934, of the reduced 4 per cent. of 16th January, 1879, for Rs. 1,000, originally standing in the name of the Joint Administrators of the Gondul State, and last endorsed to P. Sevapatha Moodelliar, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

P. SEVAPATHA MOODELLIAR,  
No. 5, Agatha Coivil Street,  
Black Town, Madras.

MADRAS,  
The 16th October, 1890.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 8, 1800.

Separate paging is given to this Part in order that it may be filed as a separate computation.

### PART III.

**Advertisements and Notices by Private Individuals and Corporations.**

*Abstract Statement of the Uncovenanted Service Family Pension Fund for the Third Quarter ending 31st January 1890, compared with the corresponding quarter of the year 1889.*

PARTICULARS.	In the 3rd quarter ending 31st January 1890.		In the 3rd quarter ending 31st January 1889.		Increase.		Decrease.	
	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.
Balance at credit of the Fund on the Government books at the end of previous quarter ... ..	1,07,04,849	6 3	1,03,23,403	15 11	3,82,346	6 4	...	...
<b>AND RECEIPTS—</b>								
Subscriptions from November to January in the Widows' Fund	1,30,661	10 9	1,30,601	9 1	440	1 8	...	...
Ditto ditto Children's Fund	80,178	0 6	86,723	3 9	...	...	545	2 3
Entrance fees, &c. ....	313	0 1	372	0 0	...	...	59	0 0
Amount credited to divisible surplus	640	0 0	190	12 0	739	4 0	...	...
Ditto of fine imposed under Rule 40A	169	3 8	913	8 2	...	...	54	5 6
Ditto of interest charged on arrears subscriptions	...	...	11	11 1	...	...	11	11 1
<b>Receipts</b> ...	3,17,480	13 11	3,17,043	11 1	1,178	6 8	...	670 2 10
<b>Total</b> ...	1,09,23,329	4 2	1,06,40,636	11 0	3,82,627	18 4	...	670 2 10
<b>DEDUCT PAYMENTS—</b>								
Pensions payable to incumbents in the Widows' Fund	1,01,768	7 11	95,444	6 6	4,324	1 5	...	...
Ditto ditto Children's Fund	68,392	12 7	65,194	8 9	3,208	3 10	...	...
Establishment, including office-rent and contingencies	9,740	12 10	9,725	6 11	...	...	24	10 1
Loss in exchange on remittances to England	16,276	9 10	17,796	9 4	...	...	1,520	16 4
Amount of fine written back	...	...	62	7 8	...	...	62	7 9
<b>Total Payments</b> ...	1,96,187	11 2	1,88,153	7 8	6,593	5 3	...	1,608 1 4
Balance in favour of the Fund, exclusive of interest ...	1,07,27,765	9 0	1,05,62,882	2 9	3,73,935	6 9	...	937 14 6
Amount of divisible surplus payable to qualified subscribers of over five years' standing ... ..	87,697	0 0	81,474	0 0	6,223	0 0	...	...
<b>Number of subscribers</b> ... ..	1,564	1,035	1,569	1,030	...	...	15	8
Ditto incumbents ... ..	479	689	463	684	...	...	...	...
Ditto sharing divisible surplus ... ..	1,247	804	1,313	790	...	...	...	...

				Ra.	A. P.
A Net increase in receipts	987	000	000	3,69,867	0 2
B Ditto in payments	000	000	000	7,984	3 11
C Ditto in balance	000	000	000	3,76,873	5 3

E. H. LLOYD, } *Auditors.*  
R. A. FINK, }

Published by order of the Directors,  
W. H. RYLAND, *Secretary.*

G. W. MACLEOD, Accountant.

FUND OFFICE, the 9th October 1890.

**PROMISSORY NOTES.****Lost, Stolen, or Destroyed.**

The Government Promissory Notes, Nos. 273273 and 257741, of the 4 per cent. of 1865, for Rs. 1,000 and Rs. 500, respectively, originally standing in the name of Agent, Branch Bank of Bengal, Cawnpur, and then endorsed to Husaini Begam, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

**HUSAINI BEGAM,**  
Cawnpur.

**Partially Destroyed.**

The Government Promissory Note, No. A010934, of the reduced 4 per cent. of 16th January, 1879, for Rs. 1,000, originally standing in the name of the Joint Administrators of the Gondul State, and last endorsed to P. Sevapatha Moodelliar, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

**P. SEVAPATHA MOODELLIAR,**

No. 5, Agatha Covel Street,  
Black Town, Madras.

MADRAS,

The 16th October, 1890.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 15, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost, Stolen, or Destroyed.

The Government Promissory Notes, Nos. 273273 and 257741, of the 4 per cent. of 1865, for Rs. 1,000 and Rs. 500, respectively, originally standing in the name of Agent, Branch Bank of Bengal, Cawnpur, and then endorsed to Husaini Begam, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

HUSAINI BEGAM,  
Cawnpur.

#### Partially Destroyed.

The Government Promissory Note, No. A010934, of the reduced 4 per cent. of 16th January, 1879, for Rs. 1,000, originally standing in the name of the Joint Administrators of the Gondul State, and last endorsed to P. Sevapatha Moodelliar, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

P. SEVAPATHA MOODELLIAR,  
No. 5, Agatha Covel Street,  
Black Town, Madras.

MADRAS,  
The 16th October, 1890.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, NOVEMBER 22, 1890.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### NOTICE.

Letters of administration to the estate and effects of Henry Edward Walter Beville, deceased, late a Captain in Her Majesty's Bombay Staff Corps, and an Assistant Commissioner in Burma, have been granted by the Court of the Recorder of Rangoon to Colonel H. R. Spearman, Commissioner of the Irrawaddy Division, Lower Burma. All persons having claims

against the said estate are required forthwith to send particulars of their claims to the said Administrator, to whom all persons indebted to the said estate are required forthwith to make payment.

THOS. OWEN,

*Solicitor for the Administrator.*

76, Merchant Street, Rangoon.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 20, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### UNCOVENANTED SERVICE FAMILY PENSION FUND.

*Result of Votes on the proposal submitted in Circular No. 2, dated 1st July, 1890.*

Subject.	Yes.	No.
Whether, under the circumstances stated in the Circular, Misses Fox shall be admitted to the pension proposed.	1,253	11

By order of the Directors,  
W. H. RYLAND,  
*Secretary.*

U. S. F. PENSION FUND OFFICE,  
*The 14th November, 1890.*

### NOTICE.

Letters of administration to the estate and effects of Henry Edward Walter Beville, deceased, late a Captain in Her Majesty's Bombay Staff Corps, and an Assistant Commissioner in Burma, have been granted by the Court of the Recorder of Rangoon to Colonel H. R. Spearman, Commissioner of the Irrawaddy Division, Lower Burma. All persons having claims against the said estate are required forthwith to

send particulars of their claims to the said Administrator, to whom all persons indebted to the said estate are required forthwith to make payment.

THOS. OWEN,  
*Solicitor for the Administrator.*

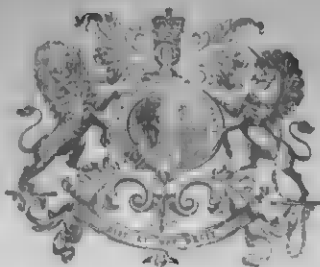
*76, Merchant Street, Rangoon.*

### PROMISSORY NOTES.

#### Lost.

The lower halves of Government Promissory Notes, Nos. B—135450 and A—014138, of the 4 per cent. loans of 1st May, 1865, and reduced 1879, for Rs. 5,000 and Rs. 1,000, originally standing in the names of the National Bank of India, Limited, and the Alliance Bank of Simla, Limited, respectively, and last endorsed to Inderjee Makanjee Nichabhai Fouzdar, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicates in favour of the proprietor, after six months from date of last correct advertisement.

INDERJEE MAKANJEE  
NICHABHAI FOUZDAR,  
*Vesma, via Newsari.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 6 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

The lower halves of Government Promissory Notes, Nos. B—135450 and A—014138, of the 4 per cent. loans of 1st May, 1865, and reduced 1879, for Rs. 5,000 and Rs. 1,000, originally standing in the names of the National Bank of India, Limited, and the Alliance Bank of Simla, Limited, respectively, and last endorsed to Inderjee Makanjee Nichabhai Fouzdar, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicates in favour of the proprietor, after six months from date of last correct advertisement.

INDERJEE MAKANJEE  
NICHABHAI FOZDAR,  
*Vesma, via Nowzari.*

#### Stolen.

The undermentioned Government Promissory Notes, last endorsed to C. Chengalvaraya Naidu, the proprietor, by whom they were never endorsed to any other person. Payment of the notes in question and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietor, after two years from the date of last advertisement:—

Government Promissory Note, No. 197376, of the 4 per cent. loan of the 1st May, 1865, for Rs. 1,000, originally standing in the name of Bolly Chand Roy.

Government Promissory Note, No. 202844, of the 4 per cent. loan of the 1st May, 1865, for Rs. 2,000, originally standing in the name of the Accountant-General, Madras.

Government Promissory Note, No. 110326, of the 4 per cent. loan of the 1st May, 1865, for Rs. 1,000, originally standing in the name of the Chartered Mercantile Bank of India, London, and China.

Government Promissory Note, No. 110324, of the 4 per cent. loan of the 1st May, 1865, for Rs. 1,000, originally standing in the name of the Chartered Mercantile Bank of India, London, and China.

Government Promissory Note, No. 190265, of the 4 per cent. loan of the 1st May, 1865, for Rs. 1,000, originally standing in the name of the Bank of Madras.

Government Promissory Note, No. 190266, of the 4 per cent. loan of the 1st May, 1865, for Rs. 1,000, originally standing in the name of the Bank of Madras.

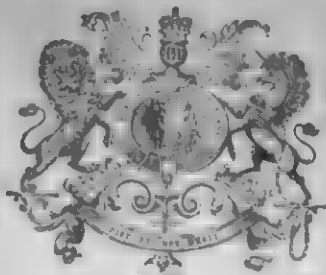
Government Promissory Note, No. 143101, of the 4 per cent. loan of the 1st February, 1843, for Rs. 1,000, originally standing in the name of V. Canacavally Ammal.

C. CHENGALVARAYA NAIDU,  
*Residing at Siruvangunam,  
Madurantakum Taluk,  
Chingleput District.*

#### Destroyed by White-Ants.

The Government Promissory Note, No. 172220, of the 1st February, 1843, for Rs. 500 only, originally standing in the name of not known, and last endorsed to Srimuttee Netto Soonderi Dassie, of 96—1, Buloram Day's Street, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of a duplicate in favour of the proprietor, after two years from date of last advertisement.

NETTO SOONDERI DASSIE,  
*96—1, Buloram Day's Street.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 13, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### In the Goods of JAMES YOUNG, late of Helensborough in Scotland and of Calcutta, Merchant, deceased.

Pursuant to Section 320 of Act X of 1865 and Section 42 of Act XXVIII of 1866, notice is hereby given that all persons having claims against the Estate of James Young, late of Helensborough in Scotland and of Calcutta, Merchant, deceased, should, on or before the 31st day of January, 1891, send in particulars of such claims to the undersigned, after which date no claims will be admitted and the assets of the Estate of the said deceased will be distributed by the Executors with regard only to such claims of which they shall then have notice.

ORR, JOHNSON & ROBERTSON,

*Attorneys for Stephen George Sale  
and William Wilson, Executors  
of the will of the said  
James Young, deceased.*

6, OLD POST OFFICE STREET,  
CALCUTTA,  
The 6th December, 1890.

### PROMISSORY NOTES.

#### Lost.

The lower halves of Government Promissory Notes, Nos. B—135450 and A—014138, of the 4 per cent. loans of 1st May, 1865, and reduced 1879, for Rs. 5,000 and Rs. 1,000, originally standing in the names of the National Bank of India, Limited, and the Alliance Bank of Simla, Limited, respectively, and last endorsed to Inderjee Makanjee Nichabhai Fouzdar, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of dupli-

cates in favour of the proprietor, after six months from date of last correct advertisement.

INDERJEE MAKANJEE  
NICHABHAI FOUZDAR,

*Vesma, via Nowasari.*

#### Lost.

The Government Promissory Notes, Nos. 109017 and 083459, of the 4 per cent. loan of 1842-43 and 4½ per cent. loan of 1879, respectively, for Rs. 500 each, originally standing in the names of the Bank of Bengal and Narayan K. Dhurandhar, respectively, and last endorsed to Narayan K. Dhurandhar, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietor, after two years from date of last advertisement.

NARAYAN K. DHURANDHAR,  
*Beamar New Cotton Press Co.'s Building.*

#### Lost.

The upper half of the Government Promissory Note, No. 039056, of the 4½ per cent. of 1879 portion, for Rs. 100, originally standing in the name of the Agra Bank, Limited, and last endorsed to Jamsetjee Cursetjee Jamsetjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

JAMSETJEE CURSETJEE JAMSETJEE,  
*Masagone Castle, Bombay.*



**Destroyed by White-Ants.**

The Government Promissory Note, No. 172220, of the 4 per cent. of 1842-43, for Rs500, originally standing in the name of Brojendro Lal Singhce, and last endorsed to Nitto Soonderi Dassie, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

**NRITTO SOONDERI DASSIE,**

96-1, *Bulokam Day's Street,*  
*Jorasanko,*  
*Calcutta.*

**Stolen.**

The undermentioned Government Promissory Notes, last endorsed to C. Chengalvaraya Naidu, the proprietor, by whom they were never endorsed to any other person. Payment of the notes in question and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietor, after two years from the date of last advertisement:—

Government Promissory Note, No. 197376, of the 4 per cent. loan of the 1st May, 1865, for Rs1,000, originally standing in the name of Bolly Chand Roy.

Government Promissory Note, No. 202844, of the 4 per cent. loan of the 1st May, 1865, for Rs2,000, originally standing in the name of the Accountant-General, Madras.

Government Promissory Note, No. 110326, of the 4 per cent. loan of the 1st May, 1865, for Rs1,000, originally standing in the name of the Chartered Mercantile Bank of India, London, and China.

Government Promissory Note, No. 110324, of the 4 per cent. loan of the 1st May, 1865, for Rs1,000, originally standing in the name of the Chartered Mercantile Bank of India, London, and China.

Government Promissory Note, No. 190265, of the 4 per cent. loan of the 1st May, 1865, for Rs1,000, originally standing in the name of the Bank of Madras.

Government Promissory Note, No. 190266, of the 4 per cent. loan of the 1st May, 1865, for Rs1,000, originally standing in the name of the Bank of Madras.

Government Promissory Note, No. 143101, of the 4 per cent. loan of the 1st February, 1843, for Rs1,000, originally standing in the name of V. Canacavally Ammall.

**C. CHENGALVARAYA NAIDU,**

*Residing at Siruvanganam,*  
*Madurantakam Taluk,*  
*Chingleput District.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 27, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### In the Goods of JAMES YOUNG, late of Helensborough in Scotland and of Calcutta, Merchant, deceased.

Pursuant to Section 320 of Act X of 1865 and Section 42 of Act XXVIII of 1866, notice is hereby given that all persons having claims against the Estate of James Young, late of Helensborough in Scotland and of Calcutta, Merchant, deceased, should, on or before the 31st day of January, 1891, send in particulars of such claims to the undersigned, after which date no claims will be admitted and the assets of the Estate of the said deceased will be distributed by the Executors with regard only to such claims of which they shall then have notice.

ORR, JOHNSON & ROBERTSON,

*Attorneys for Stephen George Sale  
and William Wilson, Executors  
of the will of the said  
James Young, deceased.*

6, OLD POST OFFICE STREET,  
CALCUTTA,  
The 6th December, 1890.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Notes, Nos. 109017 and 083459, of the 4 per cent. loan of 1842-43 and 4½ per cent. loan of 1879, respectively, for Rs500 each, originally standing in the names of the Bank of Bengal and Narayan K. Dhurandhar, respectively, and last endorsed to Narayan K. Dhurandhar, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and appli-

cation is to be made for accrued interest and for the issue of duplicates in favour of the proprietor, after two years from date of last advertisement.

NARAYAN K. DHURANDHAR,  
*Beswar New Cotton Press Co.'s Building.*

#### Lost.

The upper half of the Government Promissory Note, No. 939056, of the 4½ per cent. of 1879 portion, for Rs100, originally standing in the name of the Agra Bank, Limited, and last endorsed to Jamssetjee Cursetjee Jamssetjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

JAMSETJEE CURSETJEE JAMSETJEE,  
*Masagons Castle, Bombay.*

#### Stolen.

The Government Promissory Note, No. 277977, of the 4 per cent. of 1865, for Rs1,000, originally standing in the name of the Bank of Bengal, and last endorsed to Roger Thompson Darwin, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of a duplicate in favour of the proprietor after two years from date of last advertisement.

ROGER THOMPSON DARWIN,  
*Fort Stedman, Upper Burma.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 20, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### In the Goods of JAMES YOUNG, late of Helensborough in Scotland and of Calcutta, Merchant, deceased.

Pursuant to Section 320 of Act X of 1865 and Section 42 of Act XXVIII of 1866, notice is hereby given that all persons having claims against the Estate of James Young, late of Helensborough in Scotland and of Calcutta, Merchant, deceased, should, on or before the 31st day of January, 1891, send in particulars of such claims to the undersigned, after which date no claims will be admitted and the assets of the Estate of the said deceased will be distributed by the Executors with regard only to such claims of which they shall then have notice.

ORR, JOHNSON & ROBERTSON,

*Attorneys for Stephen George Sale  
and William Wilson, Executors  
of the will of the said  
James Young, deceased.*

6, OLD POST OFFICE STREET,  
CALCUTTA,

The 6th December, 1890.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Notes, Nos. 109017 and 083459, of the 4 per cent. loan of 1842-43 and 4½ per cent. loan of 1879, respectively, for Rs 500 each, originally standing in the names of the Bank of Bengal and Narayan K. Dhurandhar, respectively, and last endorsed to Narayan K. Dhurandhar, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietor, after two years from date of last advertisement.

tor, after two years from date of last advertisement.

NARAYAN K. DHURANDHAR,

*Benwar New Cotton Press Co.'s Building.*

#### Lost.

The upper half of the Government Promissory Note, No. 039056, of the 4½ per cent. of 1879 portion, for Rs 100, originally standing in the name of the Agra Bank, Limited, and last endorsed to Jamssetjee Cursetjee Jamssetjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

JAMSETJEE CURSETJEE JAMSETJEE,

*Masagone Castle, Bombay.*

#### Destroyed by White-Ants.

The Government Promissory Note, No. 172220, of the 4 per cent. of 1842-43, for Rs 500, originally standing in the name of Brojendro Lall Singhee, and last endorsed to Nritto Soonderi Dassie, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

NRITTO SOONDERI DASSIE,

*96-1, Buloram Day's Street,  
Jorasanko,  
Calcutta.*

#### Stolen.

The undermentioned Government Promissory Notes, last endorsed to C. Chengalvaraya

Naidu, the proprietor, by whom they were never endorsed to any other person. Payment of the notes in question and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietor, after two years from the date of last advertisement:—

Government Promissory Note, No. 197376, of the 4 per cent. loan of the 1st May, 1865, for Rs.1,000, originally standing in the name of Bolly Chand Roy.

Government Promissory Note, No. 202844, of the 4 per cent. loan of the 1st May, 1865, for Rs.2,000, originally standing in the name of the Accountant-General, Madras.

Government Promissory Note, No. 110326, of the 4 per cent. loan of the 1st May, 1865, for Rs.1,000, originally standing in the name of the Chartered Mercantile Bank of India, London, and China.

Government Promissory Note, No. 110324, of the 4 per cent. loan of the 1st May, 1865, for Rs.1,000, originally standing in the name of the Chartered Mercantile Bank of India, London, and China.

Government Promissory Note, No. 190265, of the 4 per cent. loan of the 1st May, 1865, for Rs.1,000, originally standing in the name of the Bank of Madras.

Government Promissory Note, No. 190266, of the 4 per cent. loan of the 1st May, 1865, for Rs.1,000, originally standing in the name of the Bank of Madras.

Government Promissory Note, No. 143101, of the 4 per cent. loan of the 1st February, 1843, for Rs.1,000, originally standing in the name of V. Canacavally Ammal.

C. CHENGALVARAYA NAIDU,

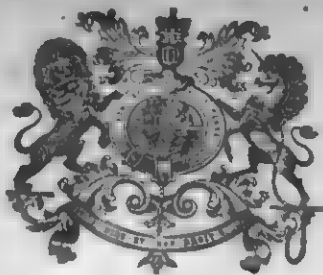
*Residing at Siruvangunam,  
Madurantakam Taluk,  
Chingleput District.*

#### Stolen.

The Government Promissory Note, No. 277577, of the 4 per cent. of 1865, for Rs.1,000, originally standing in the name of the Bank of Bengal, and last endorsed to Roger Thompson Darwin, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of a duplicate in favour of the proprietor after two years from date of last advertisement.

ROGER THOMPSON DARWIN,

*Fort Stedman, Upper Burma.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 2, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 31st July, 1890, and is hereby promulgated for general information:

Act No. XIV OF 1890.

*An Act to amend the Schedule to the Petroleum Act, 1886.*

WHEREAS it is expedient to amend parts of the fourth paragraph (*Application of the test*) of Part III of the schedule to the Petroleum Act, 1886; It is hereby enacted as follows:—

1. For the third and fourth clauses of the said

Amendment of schedule to Act XII of 1886.

paragraph commencing respectively with the words "If the flash takes place at any temperature below 77° Fahrenheit" and "No flash which takes place within eight degrees of the temperature at which the testing is commenced" the following shall be substituted, namely:—

"If the flash takes place at any temperature below 77° Fahrenheit, the temperature at which it occurs is to be recorded. Two fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, and if in no instance the flash has taken place within eight degrees of the

temperature at which the testing is commenced, each result is to be corrected for atmospheric pressure as hereafter described, and the average of the three corrected results is the flashing point of the sample. In the event of there being a greater difference than 2° Fahrenheit between any two of the results, while in no instance has the flash taken place within eight degrees of the temperature at which the testing was commenced, the series of tests is to be rejected, and a fresh series of three similarly obtained, and so on, until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

If, however, a flash has occurred at or below 64° when the test is applied in the manner above described, the next testing shall be commenced ten degrees lower than the temperature at which the flash had been previously obtained (that is to say, at 54° or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2°, and until a flash has not occurred in any of the three tests within eight degrees of the temperature at which the testing is commenced: Provided always that if at the commencement of the series of tests a flash has occurred on the first application of the test-flame at 56°, and if a flash has also occurred on the first application of the flame in each of three successive tests in which, thereupon, the test-flame is first applied at 46° as above directed, the testing officer shall certify that the petroleum has a flashing point below 47° and the sample shall be reported dangerous."

S. HARVEY JAMES,

*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 30, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th August 1890, and is hereby promulgated for general information:

Act No. XV OF 1890.

*An Act to amend the Indian Paper Currency Act, 1882.*

WHEREAS it is expedient to authorise an increase of the amount which may be invested

in securities of the Government of India out of the coin and bullion received for currency notes under the law relating to the Government paper currency; It is hereby enacted as follows:—

1. Section 19 of the Indian Paper Currency Act, 1882, shall be read **XX** of 1882. as if for the words "sixty millions" the words "eighty millions" were substituted.

S. HARVEY JAMES,

*Secretary to the Government of India.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 13, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th September 1890, and is hereby promulgated for general information :

#### ACT NO. XVI OF 1890.

*An Act to amend the Births, Deaths and Marriages Registration Act, 1886.*

WHEREAS it is expedient to amend the Births, Deaths and Marriages Registration Act, 1886 ; It is hereby enacted as follows :

1. In section 32 of the said Act, for the words "within one year from the date on which this Act comes into force", the words "at any time before the first day of April, 1891," shall be substituted.

Addition of new section 35A, Act VI, 1886.

2. The following section shall be added to Chapter V of the said Act, namely :—

"35A. (1) The Governor General in Council, if he thinks fit, may, by notification in the Gazette of India, appoint more commissions than one for the purposes of this Chapter, each such commission consisting of so many and such members as he may, by a like notification, nominate thereto by name or by office, and having its functions restricted to the disposal, under this Act and the rules thereunder, of the registers or records sent under section 32 to such Registrar General or Registrars General as the Governor General in Council may, by a like notification, specify in this behalf.

"(2) If more commissions than one are appointed in exercise of the power conferred by sub-section (1), then references in this Act to the Commissioners shall be construed as references to the members constituting a commission so appointed."

S. HARVEY JAMES,  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 18, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th October 1890, and is hereby promulgated for general information:

#### ACT NO. XVII OF 1890.

*An Act to provide for certain matters in connection with the taking of the Census.*

WHEREAS it has been determined to take a census of British India during the year 1891, and it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Title, extent and commencement. Census Act, 1890.

(2) It extends to the whole of British India, inclusive of Upper Burma and British Baluchistan; and

(3) It shall come into force at once.

2. (1) The Local Government may appoint any person, by name or by office, to take, or aid in or supervise the taking of, the census within any specified local area.

(2) Persons so appointed shall be called census-officers.

(3) The Local Government may delegate to such authority as it thinks fit the power of appointing census-officers which is conferred by this section.

3. (1) A declaration in writing, signed by any officer authorized by the Local Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(2) All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

4. (1) (a) Every military or naval officer in command of any body of men belonging to Her Majesty's military or naval forces or of any vessel of war,

(b) every person (except a pilot or harbour-master) having charge or control of a vessel,

(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public, charitable, religious or educational institution,

(d) every keeper, secretary or manager of any sarai, hotel, boarding-house, lodging-house or club, and

(e) every occupant of immoveable property having at the time of the taking of the census not less than fifty persons employed under him, or living, on or in such property,

shall, if so required by the District Magistrate, or by such officer as the Local Government may appoint in this behalf by name or by office, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or inmates of his house or present on or in such property, as such Magistrate or officer may, by written order, direct.

(2) All the provisions of this Act relating to census-officers shall apply, so far as they can be made applicable, to all such persons while performing such duties, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

5. (1) The District Magistrate, or such officer as the Local Government may appoint in this behalf by name or by office for any local area, may, by written order, call upon all owners and occupiers of land, tenure-holders, farmers, assignees of land-revenue and lessees of fisheries under

XLV of 1860.

XLV of 1860.

VII of 1875. the Burma Fisheries Act, 1875, or the Upper  
III of 1889. Burma Land and Revenue Regulation, 1889, in  
his district or in such local area, as the case  
may be, or their agents, upon village-servants in  
permanently-settled estates in the Madras Presi-  
dency, and upon all members of panchayats  
appointed in his district or in such local area  
under the Village Chaukidari Act, 1870  
VI (B. C.) of (Bengal), or the Chota Nagpore Rural Police  
1870. Act, 1887, or the Silhat and Kachar Rural  
V (B. C.) of Police Regulation, 1883, to give such assistance  
1887. as he needs towards the taking of a census of  
I of 1889. the persons who are at the time of the taking  
of the census on the lands of such owners,  
occupiers, holders, farmers and assignees, or  
within the limits of such fisheries or in the  
villages for which such village-servants or  
panchayats are appointed, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees, lessees or their agents, and such village-servants and the members of such panchayats, shall be bound to obey it.

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Local Government and published in the official Gazette, he may be directed to ask.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and that no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

8. Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purposes of the census.

9. (1) Subject to such orders as the Local Government may issue in this behalf, any census-officer may leave, or cause to be left, at any dwelling-house within the local area for which he is appointed, a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof with such particulars as the Local Government may direct regarding the inmates of such house or part at the time of the taking of the census.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, as the case may be, at the time aforesaid, and shall sign his name thereto, and,

when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as he may direct.

#### Penalties.

10. In any of the following cases, namely:—

- (a) if a census-officer without sufficient cause refuses or neglects to act as such,
- (b) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return,
- (c) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 7 so to answer,
- (d) if any person occupying any house, enclosure, vessel or other place refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow,
- (e) if any person removes, obliterates, alters or injures before the thirty-first day of March, 1891, any letters, marks or numbers which have been painted or affixed for the purposes of the census,
- (f) if any occupier of a dwelling-house or part thereof knowingly and without sufficient cause fails to comply with the provisions of section 9 or makes any false return under that section,

he shall be punished with fine which may extend to fifty rupees.

11. (1) The Local Government may, by jurisdiction in prosecutions under this Act, declare before what classes of Magistrates prosecutions under this Act may be instituted.

(2) Unless and until a notification is published under sub-section (1), all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere before the District Magistrate.

(3) No prosecution under this Act shall be instituted except with the previous sanction of the Local Government, or with the previous sanction of some officer authorised by the Local Government in this behalf by name or by office.

12. Notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any book, register or record made by a census-officer in the discharge of his duty as such officer, and no entry in a schedule delivered under section 9, shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1882.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census of British India during the year 1891, cause the census of the municipality to be taken wholly or in part by any method authorised by this Act.

S. HARVEY JAMES,

Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th October 1890, and is hereby promulgated for general information:

## ACT NO. XVIII OF 1890.

*An Act to amend the Indian Emigration Act, 1883.*

XXI of 1883. WHEREAS it is expedient to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

1. In section 31 of the said Act, after the word "mistake" the word "and" shall be inserted.

2. (1) In section 35, sub-section (1), of the said Act, the words "in duplicate" shall be substituted for the words "in triplicate" in both places where the latter words occur.

(2) To the same section the following sub-section shall be added, namely:—

"(4) Any number of intending emigrants appearing with the same recruiter before the Registering Officer or Protector at the same time, and desiring to emigrate on the same terms to the same country, may, with the permission of the Registering Officer or Protector (as the case may be), execute one instrument of agreement under this section, instead of each of such intending emigrants executing a separate instrument."

3. For section 37 of the said Act the following shall be substituted, namely:—

"37. When the agreement has been executed and attested—  
Record of registrations and agreements.

(a) one of the copies thereof shall be delivered to the emigrant, and the other shall be retained by the Protector or sent by the Registering Officer to him, and

(b) a certified copy of the particulars registered under section 31 concerning the emigrant or emigrants by whom the agreement was executed, and concerning his or their dependents (if any), shall be delivered to the recruiter for transmission to the Emigration Agent."

4. There shall be substituted in sub-section (1) of section 49 of the said Act, for the word "agreement" the words and figures "particulars registered under section 31," and in sub-section (2) of the same section for the word "agreement" the words "said copy".

5. To sub-section (1) of section 56 of the said Act the following proviso shall be added, namely:—  
Addition of proviso to section 56 (1), Act XXI, 1883.

"Provided that, if the vessel is a steam-ship having a certificate of survey granted by the Board of Trade or any British Colonial Government or under the Indian Steam-ships Act, 1884, VII of 1884, and in force and applicable to her intended voyage, the survey under this sub-section with a view to ascertain her seaworthiness shall not extend to her hull or machinery unless the Protector of Emigrants has reason to believe that, since the grant of the certificate, her hull or machinery has sustained injury or damage or has otherwise become inefficient."

6. Section 70 of the said Act is hereby repealed.

7. For section 102 of the said Act as amended by Act XXI of 1884 the following shall be substituted, namely:—

"102. (1) On and from such a date as the Governor General in Council may, by notification in the Gazette of India, fix in this behalf with respect to any protected Native State adjoining the Straits Settlements, or with respect to any British colony or possession for labour in which Natives of India are recruited exclusively through the agency of the Government of the Straits Settlements, a Native of India who departs by sea out of British India under an agreement to labour for hire in any such State, colony or possession shall not, so long as the notification continues to apply to the State, colony or possession, be deemed to emigrate within the meaning of this Act.

(2) The Governor General in Council may, by notification in the Gazette of India, declare that from a date to be specified a notification under sub-section (1) shall no longer apply to a Native State or British colony or possession therein mentioned."

8. Every notification made under section 102

Saving of notifications under section 102, Act XXI, 1883, as amended by Act XXI, 1884.

of the said Act as amended by Act XXI of 1884 shall be deemed to have been made under sub-section (1) of section 102 of the said

Act as amended by the last foregoing section of this Act.

9. In section 105 of the said Act, for the word and figures "section 102" the words, figures and letter "section 103, clause (a), and section 104" shall be substituted.

Amendment of section 105, Act XXI, 1883.

S. HARVEY JAMES,

*Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th October 1890, and is hereby promulgated for general information:

ACT NO. XIX OF 1890.

*An Act to amend the Indian Salt Act, 1882.*

XII of 1882. WHEREAS it is expedient to amend the Indian Salt Act, 1882, for the purpose of regulating the traffic in Kohat salt in the Punjab; It is hereby enacted as follows:—

XII of 1882. 1. To section 3 of the Indian Salt Act, 1882, the following shall be added, namely:—

“Kohat salt” means salt produced in the district of Kohat in the Punjab.”

2. After Chapter III of the said Act the following shall be inserted, namely:—

“CHAPTER IIIA.

INDUS PREVENTIVE LINE.

8A. (1) The Governor General in Council may, from time to time, by Power to define zones and establish chains of posts. rule,—

(a) define a zone of country not exceeding fifteen miles in breadth—

(i) along any portion of the river Indus and at such distance therefrom as he deems expedient, or

(ii) in any tract extending from that river to the western frontier of the Punjab,

(b) extend any such zone so as to include any ferry, or any portion of a railway, canal or navigable river entering the zone, or any place where goods are loaded or unloaded into wagons or boats for the purpose of entering or leaving the zone, and

(c) within such a zone establish a chain of posts extending along the zone.

(2) The establishment of a chain of posts under clause (c) of sub-section (1) shall be deemed to be a public purpose within the meaning of the Land Acquisition Act, 1870.

X of 1870.

8B. When a zone has been defined and a chain of posts established under section 8A, the Governor General in Council may from time to time, by rule—

(a) prohibit any person, except upon such conditions as may be prescribed in the rule, from having in his possession any Kohat salt within the limits of the zone, and,

(b) so far as may be necessary for the prevention of the smuggling of Kohat salt across the chain of posts, control and regulate the passage of traffic across such chain, and provide for the searching of all persons and things crossing or being taken across such chain.”

3. The following shall be added to section 25 of the said Act, namely:—

“A Salt-revenue-officer shall not be deemed to search or detain any person, or to seize the movable property of any person, vexatiously and unnecessarily within the meaning of clause (b) or clause (c) of the first paragraph of this section if the search is authorised by any rule under clause (b) of section 8B, and the detention or seizure is such as is necessary for the purposes of such search.”

4. To section 27 of the said Act the following shall be added, namely:—

“Nothing in this section shall be deemed to affect Chapter IIIA of this Act or any rule under that Chapter.”

And whereas the Madras Salt Excise Act, Mad. VI of 1871, has been repealed by the Madras Salt Act, 1889, and section 31 of the Indian Salt Act, 1882, has become obsolete; It is hereby enacted as follows:—

Repeal of section 31, Act XII, 1882.

5. Section 31 of the Indian Salt Act, 1882, is hereby repealed.

XII of 1882.

XII of 1882.

S. HARVEY JAMES,

Secretary to the Government of India.



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th October 1890, and is hereby promulgated for general information:

ACT NO. XX OF 1890.

**THE NORTH-WESTERN PROVINCES AND OUDH ACT, 1890.**

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*An Act to provide for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh.*

WHEREAS it is expedient to provide for the better administration of the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh; and for that purpose to amend certain enactments which are in force in the said Provinces and in Oudh; It is hereby enacted as follows:—

1. This Act may be called the North-Western Provinces and Oudh Act, 1890.

## PART I.

## THE NORTH-WESTERN PROVINCES.

2. This Part shall come into force on such day as the said Lieutenant-Governor may, by notification in the official Gazette, direct.

3. After section 9 of the North-Western Provinces Land-revenue Act, 1873, the following shall be inserted, namely:—

"9A. The Board may transfer any case or class of cases from any Revenue Court to any other Revenue Court competent in respect of the case or class of cases to deal therewith."

4. For section 14 of the North-Western Provinces Land-revenue Act, 1873, the following shall be substituted, namely:—

"14. (1) The Local Government may from time to time create new, or abolish existing, tahsils, and alter the limits of any division, district or tahsil, and may divide any district into sub-divisions, and from time to time alter the limits of the sub-divisions, and may from time to time, with the previous sanction of the Governor General in Council, create new, or abolish existing, divisions or districts."

(2) All existing tahsils shall be deemed to be sub-divisions of districts."

And whereas it has been determined to annex the Jhānsi Division, comprising the districts of Jhānsi, Jalaun and Lalatpur, to the Allahabad Division;

And whereas the said Jhānsi Division is a scheduled district under the Scheduled Districts Act, 1874;

And whereas it is expedient that the law in force in the said division should, on such annexation, be the same as the law in force in the temporarily-settled districts comprised in the Allahabad Division, and that the said division should cease to be a scheduled district;

It is hereby enacted as follows:—

5. (1) All enactments which shall on the day when this Part comes into force be in force in the said temporarily-settled districts and not in the said Jhānsi division shall be deemed to come into force in that division on and from the said day.

(2) Except the Jhānsi Encumbered Estates Act, 1882, and the Jhānsi and Morar Act, 1886, all enactments which shall on the said day be in force in the said division and not in the said temporarily-settled districts, including the Jhānsi Courts Act, 1867, and Act No. XXVII of 1867, shall be deemed to be repealed on and from the said day in the said division.

6. (1) In the preamble and in section 3 of the Jhānsi Encumbered Estates Act, 1882, for the words "the Jhānsi Division" there shall be substituted the words "the territory now comprised in the districts of Jhānsi, Jalaun and Lalatpur"; for the words "the Commissioner of

*The North-Western Provinces and Oudh Act, 1890.**(Part I.—The North-Western Provinces.—Sections 7-9. Part II.—Oudh.—Sections 10-13.)*

the Jhānsī Division", wherever they occur, there shall be substituted the words "the Commissioner of the Allahabad Division"; and for the words "the Deputy Commissioner", wherever they occur, the words "the Collector" shall be substituted.

(2) All proceedings pending on the said day under the said Act before the Commissioner of the Jhānsī Division shall be disposed of by the Commissioner of the Allahabad Division.

**7.** The functions assigned to the Deputy Commissioner and the Commissioner by the Jhānsī and Morar Act, 1886, shall be discharged by the District Judge and the High Court respectively, and references to Courts in the Jhānsī District subordinate to the Commissioner shall be deemed to apply to the Civil Courts established in that district under the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887.

**8.** (1) On and from the said day the said Jhānsī Division shall cease to be a scheduled district; and in Part IV of the first schedule to the Scheduled Districts Act, 1874, and in Part IV of the sixth schedule to the Laws Local Extent Act, 1874, the words "the Jhānsī Division, comprising the Districts of Jhānsī, Jalaun and Lalatpur," shall be repealed.

(2) Section 4 of the Jhānsī and Morar Act, 1886, and the last paragraph of the preamble to Part I of that Act, ending with the words "the Jhānsī District", shall also be repealed.

**9.** (1) In section 1, sub-section (2), of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, the words "and except the Jhānsī Division" shall be repealed.

(2) All cases or proceedings pending in any Civil Court in the said division on the said day shall be disposed of as follows:—

- (a) if pending in the Court of a Tahsildar or of an Assistant Commissioner of the second class—by the Munsif;
- (b) if pending in the Court of an Assistant Commissioner of the first class—by the Subordinate Judge;
- (c) if pending in the Court of a Deputy Commissioner—by the District Judge;
- (d) if pending in the Court of the Commissioner—by the District Judge, unless the case pending is an appeal from a decree or order of the Deputy Commissioner, in which case the appeal shall be disposed of by the High Court.

(3) For the purposes of sections 20 to 22, both inclusive, of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, all decrees and orders passed by Civil Courts in the said division and not appealed against before the said day shall be deemed—

- (a) if passed by the Court of a Tahsildar or an Assistant Commissioner of the second class—to have been passed by a Munsif;

- (b) if passed by the Court of an Assistant Commissioner of the first class—to have been passed by a Subordinate Judge;

- (c) if passed by the Court of a Deputy Commissioner or the Commissioner—to have been passed by a District Judge.

(4) Where any Civil Court ceases by reason of the passing of this Act to have jurisdiction with respect to any case, any proceeding in relation to that case, which, if that Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court to which the business of the former Court is transferred by sub-section (2); but this sub-section shall not apply to cases for which provision is made in section 623 or section 649 of the Code of Civil Procedure.

(5) In the case of appeals from the decrees and orders mentioned in sub-section (3) the period of limitation shall be calculated in accordance with the provisions of section 15 of the Jhānsī Courts Act, 1867, as though this Act had not been passed.

**PART II.****OU DH.**

**10.** This Part shall come into force on such day as the Chief Commissioner of Oudh may, by notification in the official Gazette, direct.

**11.** (1) On and from the day on which this Part comes into force the Board of Revenue constituted under the North-Western Provinces Land-revenue Act, 1873, shall be deemed to be also the Board of Revenue for the territories administered by the Chief Commissioner of Oudh, and shall be known and designated as the Board of Revenue of the North-Western Provinces and Oudh.

(2) All references made in any enactment as amended by this Part to the Board of Revenue shall be deemed, so far as they relate to Oudh, to refer to the said Board.

(3) In any enactment for the time being in force in the territories administered by the Chief Commissioner of Oudh, in which the expression "Chief Revenue-authority" or "Chief Controlling Revenue-authority" is used, the expression shall, subject to the provisions of any enactment passed after the said day, be construed, so far as the said territories are concerned, as referring to the Board of Revenue of the North-Western Provinces and Oudh.

**12.** To section 2 of the Oudh Land-revenue Act, 1876, the following shall be added, namely:—

" 'Board' means the Board of Revenue."

**13.** (1) In section 3 of the same Act, for the words "the Chief Commissioner" there shall be substituted the words "the Board, subject to the control of the Chief Commissioner".

*The North-Western Provinces and Oudh Act, 1890.**(Part II.—Oudh.—Sections 14-26.)*

(a) To the same section the following shall be added, namely:—

XIX of 1873. "Sections 6 to 10, both inclusive, of the North-Western Provinces Land-revenue Act, 1873, shall, so far as may be, apply to the Board when exercising jurisdiction with respect to Oudh."

New sections added after section 4, Act XVII of 1876. 14. After section 4 of the same Act the following shall be inserted, namely:—

"4A. (1) The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a division.

(2) An Additional Commissioner shall hold his office during the pleasure of the Chief Commissioner.

(3) An Additional Commissioner shall exercise such powers, and perform such duties, of the Commissioner of a division under this Act, or under any other law for the time being in force, as the Chief Commissioner may, from time to time, prescribe, but only in such cases as the Commissioner of the division may direct.

(4) This Act and every other law for the time being applicable to the Commissioner of the division, shall apply to the Additional Commissioner when exercising any powers or performing any duties under sub-section (3), as if he were the Commissioner of the division.

4B. (1) The Chief Commissioner may from time to time create new, or abolish existing, divisions, districts, tahsils and sub-divisions, and alter the limits of any division, district or tahsil, and may divide any district into sub-divisions, and from time to time alter the limits of the sub-divisions, and may from time to time, with the previous sanction of the Governor General in Council, create new, or abolish existing, divisions or districts.

(2) All existing tahsils shall be deemed to be sub-divisions of districts."

15. For the words "Chief Commissioner", wherever they occur in section 4, clause (a), sections 28, 29, 30, 35, 46, 70, 85 and 184 of the same Act, the word "Board" shall be substituted.

New section substituted for section 13, Act XVII of 1876. 16. For section 13 of the same Act the following shall be substituted, namely:—

"13. Tahsildars shall be appointed by the Board subject to such rules as to qualification or otherwise as the Board, with the previous sanction of the Chief Commissioner, may from time to time make under section 220."

Amendment of section 14, Act XVII of 1876. 17. In section 14 of the same Act the words "with the like sanction" are repealed.

18. For the first fourteen words of section 16 of the same Act there shall be substituted the words "The Board shall, with the previous sanction of the Chief Commissioner," and for the words "The Chief

Commissioner may" in the same section there shall be substituted the words "The Board may".

19. In section 32 of the same Act after the words "the Commissioner of the division" the words "and the Board" shall be inserted.

20. In section 39 of the same Act there shall be substituted for the words "as the Chief Commissioner may direct", wherever they occur, the words "as the Board or, in the case of a taluqdar, the Chief Commissioner may direct"; and for the words "to the Chief Commissioner" the words "to the Board".

21. (1) For section 43 of the same Act the following shall be substituted, namely:—

"43. Every settlement shall be made subject to confirmation by the Chief Commissioner:

Provided that, in the case of settlements of individual mahals or parts of mahals undertaken at other times than at the general settlement and sanctioned by the Board, such confirmation shall not be necessary."

(2) The second paragraph of section 4 of Act XIV of 1878 is repealed.

22. In sections 44 and 45 of the same Act for the words "Governor General in Council" the words "Chief Commissioner" shall be substituted.

23. For the words "Chief Commissioner" wherever they occur in sections 36, 58, 59, 62, 66, 67, 109 and 220 of the same Act, the words "Board, with the previous sanction of the Chief Commissioner," shall be substituted.

24. In section 115 of the same Act for the words "such officer as the Chief Commissioner from time to time empowers in this behalf" there shall be substituted the words "such officer as the Board from time to time empowers in this behalf either by name or by virtue of his office".

25. In section 124 of the same Act for the words "to the Chief Commissioner, and the Chief Commissioner" the words "to the Board, and the Board, or, in the case of a taluq or part of a taluq, the Chief Commissioner" shall be substituted.

26. For the words "the Chief Commissioner" the words "the Board or, in the case of a taluq or part of a taluq, the Chief Commissioner" shall be substituted in the following sections of the same Act, namely:— in sections 125 and 131, wherever the words "the Chief Commissioner" occur, in section 132, where the words first occur, and in section 136.

*The North-Western Provinces and Oudh Act, 1890.**(Part II.—Oudh.—Sections 27-39.)*

**27.** In section 158 of the same Act there shall be substituted for the words "by the Chief Commissioner" the words "by the Board", and for the words

Amendment of section 158, Act XVII of 1876.

"to the Chief Commissioner, and the Chief Commissioner may thereupon annul the existing sub-settlement of such mahál or patti for such period (not exceeding fifteen years) as he thinks fit," the words "to the Board, and the Board may thereupon annul the existing sub-settlement of such mahál or patti for such period (not exceeding fifteen years) as it thinks fit."

**28.** (1) For the first thirty words of section 161 of the same Act there shall be substituted the words "The Board shall be the Court of Wards".

Amendment of section 161, Act XVII of 1876.

**29.** For section 163 of the same Act the following shall be substituted, namely:—

New section substituted for section 163, Act XVII of 1876.

"163. (1) The Deputy Commissioner shall from time to time inquire whether there are in his district any persons disqualified within the meaning of section 162, and shall report to the Court of Wards the case of any person who is in his opinion so disqualified.

(2) On receipt of the report the Court of Wards shall make such order in the case as it thinks fit.

(3) Nothing in this section shall prevent the Chief Commissioner or the Court of Wards from putting the provisions of this chapter in force without any report from the Deputy Commissioner."

**30.** In section 176 of the same Act for the words "the Court of Wards" the words "the Deputy Commissioner of the district in which the suit is brought, or by and in the name of such officer as the Court of Wards may appoint in this behalf" shall be substituted.

Amendment of section 176, Act XVII of 1876.

**31.** After section 177 of the same Act the following section shall be inserted, namely:—

New section inserted after section 177, Act XVII of 1876.

"177A. The Court of Wards may exercise all or any of the powers conferred on it by this Act through the Deputy Commissioners of the districts in which any part of the property of its wards may be situated or through any other person whom it may appoint for such purpose."

Power for Court of Wards to exercise powers through Deputy Commissioners or others.

New section substituted for section 190, Act XVII of 1876.

**190.** The Board and every Commissioner may call for the file of any proceeding held by any officer subordinate to it or him respectively, and may pass such orders thereon as it or he thinks fit."

Power to call for files of subordinate officers.

**33.** In section 191 of the same Act there shall be substituted for the words "Chief Commissioner" the word "Board" and for the words "refer any dispute before him" the words "refer any dispute before it or him".

Amendment of section 191, Act XVII of 1876.

**34.** For the first two paragraphs of section 217 of the same Act the following shall be substituted, namely:—

Amendment of section 217, Act XVII of 1876.

"The Board and any officer mentioned in the last preceding section may summon any person whose attendance it or he considers necessary for the purpose of any investigation, suit or other business before it or him.

All persons so summoned shall be bound to attend, either in person or by authorized agent, as the Board or such officer may direct."

**35.** The second paragraph of section 5 of Act XIV of 1878 and the whole of section 45 of the Oudh Laws Act, 1876, are hereby repealed, and in the third column of Part I of the second schedule to the latter Act there shall be omitted the words "for 'Board of Revenue' read 'Chief Commissioner'" in the modification of section 3 of Regulation XXXIII of 1803, and the words "and for 'Board of Revenue' read 'Chief Commissioner'" in the modification of section 5 of Regulation XI of 1806.

Repeal of second part of section 5, Act XIV of 1878, and of section 45, and amendment of the second schedule, Act XVIII of 1876.

**36.** For section 8 of the Oudh Local Rates Act, 1878, the following shall be substituted, namely:—

New section substituted for section 8, Act IV of 1878.

"8. (1) Suits for the recovery from co-sharers, under-proprietors, permanent leasees or tenants as aforesaid, of any sum on account of any such rate, and suits on account of illegal exaction of such rate, or for the settlement of accounts, shall be cognizable by the Courts of Revenue in Oudh as though such suits were suits mentioned in section 108, clause (15), (16) or (17), of the Oudh Rent Act, 1886.

(2) Appeals from decisions in such suits shall be cognizable in accordance with the provisions of the said Act as though they were decisions in suits mentioned in section 108, clause (15), (16) or (17), of the said Act."

Jurisdiction in suits as to rates.

**37.** In section 9 of the Oudh Local Rates Act, 1878, for the words "Chief Commissioner" the words "Board of Revenue" shall be substituted.

Amendment of section 9, Act IV of 1878.

**38.** In section 3, clause (7), of the Indian Stamp Act, 1879, and in section 7 of the Destruction of Records Act, 1879, after the words "the North-Western Provinces" the words "and the Chief Commissioner of Oudh" shall be inserted.

Amendment of section 3(7), Act I of 1879, and section 7, Act III of 1879.

**39.** In section 17 of the Oudh Civil Courts Act, 1879, after the words "Civil Procedure, section fifteen" there shall be inserted the words "and of any other enactment for the time being in force"; and there shall be substituted for the words "five

Amendment of section 17, Act XIII of 1879.

*The North-Western Provinces and Oudh Act, 1890.**(Part II.—Oudh.—Sections 40-51.)*

hundred rupees" in clause (c) of the same section the words "one thousand rupees"; and for the proviso to the same section the following, namely:—

"The Local Government may, from time to time, on the recommendation of the Judicial Commissioner, direct, by notification in the official Gazette,—

- (a) with respect to any Munsif named therein, that his jurisdiction shall extend, subject as aforesaid, to all suits of such value, not exceeding two thousand rupees, as may be specified in the notification, or
- (b) with respect to any Subordinate Judge named therein, that his jurisdiction shall extend, subject as aforesaid, to all original suits cognizable by the Civil Courts,

and may, from time to time, by like notification, withdraw any jurisdiction so conferred."

40. For section 18 of the same Act the following shall be substituted, namely:—  
New section substituted for section 18, Act XIII of 1879.

"18. (1) An appeal from a decree or order of a Subordinate Judge in an original suit or proceeding shall, when an appeal is allowed by law, lie—  
Appeals from decrees and orders of Subordinate Judges and Munsifs.

- (a) to the District Judge where the value of the suit in which, or in any proceeding arising out of which, the decree or order was made did not exceed five thousand rupees, and
- (b) to the Judicial Commissioner in any other case.

(2) An appeal from a decree or order of a Munsif shall, when an appeal is allowed by law, lie to the District Judge.

(3) The Judicial Commissioner may, from time to time, with the previous sanction of the Local Government, direct, by notification in the official Gazette, that appeals from all or any of the decrees or orders of any Munsif shall be preferred to such Subordinate Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly."

41. In section 24 of the same Act, for the words "fifty rupees" the words "one hundred rupees" shall be substituted.  
Amendment of section 24, Act XIII of 1879.

42. In section 27 of the same Act for the words "Judicial Commissioner" the words "District Judge" shall be substituted.  
Amendment of section 27, Act XIII of 1879.

XXII of 1881. 43. (1) In section 3, clause (a), of the Excise Act, 1881, after the words "the North-Western Provinces" the words "and the Chief Commissioner of Oudh" shall be inserted, and the word "Oudh" shall be omitted.  
Amendment of sections 3 and 10, Act XXII of 1881.

(2) In section 10 of the same Act the word "Oudh" shall be omitted.

XXII of 1886. 44. (1) In section 3 of the Oudh Rent Act, 1886, after clause (1) there shall be inserted the following, namely:—  
Amendment of section 3, Act XXII of 1886.

"(1A) 'Board' means the Board of Revenue."

(2) For clause (13) of the same section the following shall be substituted, namely:—

"(13) 'prescribed' means prescribed from time to time—

- (a) before the day on which Part II of the North-Western Provinces and Oudh Act, 1890, came into force, by the Chief Commissioner by rules under this Act; and
- (b) after that day, by the Board by rules made under this Act with the previous sanction of the Chief Commissioner."

45. In section 32, sub-section (2), of the same Act for the words "one month" the words "three months" shall be substituted.  
Amendment of section 32, Act XXII of 1886.

46. To section 108 of the same Act, before the words "Courts other than" there shall be prefixed the words "Except in the way of appeal as hereinafter provided".  
Amendment of section 108, Act XXII of 1886.

47. In section 109, clause (5), of the same Act for the words "the Judicial Commissioner" the words "the Board" shall be substituted.  
Amendment of section 109, Act XXII of 1886.

48. In section 115, sub-section (1), of the same Act the words from and inclusive of the words "and hear appeals" to the end of the sub-section shall be repealed.  
Repeal of words in section 115, Act XXII of 1886.

49. For section 116 of the same Act the following shall be substituted, namely:—  
New section substituted for section 116, Act XXII of 1886.

"116. Subject to the provisions of section 119 and of the Code of Civil Procedure as applied by this Act, an appeal shall lie from an original or appellate decree or order made under this Act, as follows, namely:—  
Appeals to Courts of Revenue. XIV of 1889.

- (a) to the Collector when the decree or order is made by an Assistant Collector of the second class:
- (b) to the Commissioner when the decree or order is made by a Collector or an Assistant Collector of the first class:
- (c) to the Board when the decree or order is made by a Commissioner:

Provided that, subject to the provisions of section 119, an appeal from an original decree or order of a Collector shall not lie except on the grounds mentioned in section 584 of the Code of Civil Procedure and that the decree or order made on that appeal shall be final."

50. Section 117 of the same Act shall be repealed.  
Repeal of section 117, Act XXII of 1886.

51. In section 118, sub-section (1), clause (c), of the same Act for the words "to the Judicial Commissioner" the words "to the Board" shall be substituted.  
Amendment of section 118, Act XXII of 1886.



*The North-Western Provinces and Oudh Act, 1890.**(Part II.—Oudh.—Sections 52-59.)*

- New section substituted for section 119, Act XXII of 1886.
- XIV of 1882. "119.—Subject to the provisions of the Code of Civil Procedure as applied by this Act, an appeal shall lie from an original decree or order of a Collector or of an Assistant Collector of the first class in a suit of a description mentioned in clause (a), (p), sub-clause (a) or (b), (11), (15), (16), (17) or (18) of section 108, as follows, namely:—
- (a) to the District Judge, if the value of the suit does not exceed five thousand rupees;
- (b) to the Judicial Commissioner, if the value of the suit exceeds five thousand rupees."
- New sections inserted after section 119, Act XXII of 1886.
- "119A. The rules for the time being in force in regard to the time within which appeals from the decrees and orders of Civil Courts may be received, and to the manner in which such appeals are heard and determined, and to all proceedings which may be had in respect of such appeals, shall be applicable to appeals under this Act to the District Judge or to the Judicial Commissioner.
- 119B. From the decrees passed under this Act in appeal by District Judges an appeal shall lie to the Judicial Commissioner in all cases in which a second appeal is allowed by the Code of Civil Procedure and subject to the provisions of the Indian Limitation Act, 1877.
- 119C. For the purpose of deciding appeals under this Act a District Judge and the Judicial Commissioner shall have the powers conferred on a Court by this Act."
- Powers of District Judge and Judicial Commissioner in appeal.
54. All appeals pending when this Part comes into force from decrees or orders passed under the same Act shall be disposed of as if this Act had not been passed:
- Provided that the Chief Commissioner may, by order, transfer to the District Judge any appeals then pending before the Commissioner or Collector in cases in which the appeal will under the Oudh Rent Act, 1886, as amended by this Part, lie to the District Judge.
- New section inserted after section 120, Act XXII of 1886.
55. After section 120 of the same Act the following shall be inserted, namely:—
- "Review.
- "120A. The Board may review and may rescind, alter or confirm any decree or order made by itself, or by a single member, on the application of one of the parties to the case, if preferred within ninety days from the passing of the decree or order."
- Omission of words in section 122, Act XXII of 1886.
56. In section 122 of the same Act the words "Commissioner or" shall be omitted.
57. In section 123 of the same Act there shall be substituted for the words "The Judicial Commissioner" the words "The Board or the Commissioner", for the words "subordinate to him" the words "subordinate to the Board or the Commissioner," and for the words "competent to dispose of it" the words "competent as regards the nature of the case to dispose of it".
- Amendment of section 124, Act XXII of 1886.
58. In section 124 of the same Act for the words "the Chief Commissioner" in each place where they occur the words "the Board" shall be substituted.
- Sections inserted after section 124, Act XXII of 1886.
59. After section 124 of the same Act the following sections shall be inserted, namely:—
- "124A. (1) If, in any suit instituted or on any appeal presented, in a Civil Court or in any Court of Revenue, the Judge or presiding officer doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the Judicial Commissioner.
- (2) On any such reference being made, the Judicial Commissioner may order the Judge or presiding officer either to proceed with the case, or to return the plaint or appeal for presentation in such other Court as the Judicial Commissioner may in his order declare to be competent to take cognizance of the suit or appeal.
- (3) The order of the Judicial Commissioner on any such reference shall be final, and shall not be questioned by the same parties in the same suit.
- 124B. In all suits instituted in any Civil Court or Court of Revenue, in which an appeal lies to the District Judge or the Judicial Commissioner, an objection that the suit was instituted in the wrong Court shall not be entertained by the Appellate Court, unless such objection was taken in the Court of first instance; but the Appellate Court shall dispose of the appeal as if the suit had been instituted in the right Court.
- 124C. If in any such suit such objection was taken in the Court of first instance, but the Appellate Court has before it all the materials necessary for the determination of the suit, it shall dispose of the appeal as if the suit had been instituted in the right Court.
- Procedure where objection was taken in Court of first instance.
- 124D. If in any such suit the Appellate Court has not before it the materials necessary for the determination of the suit, it shall proceed under the provisions of the Code
- Procedure where objection was taken in Court of first instance.
- Power for Board to review its orders.

*The North-Western Provinces and Oudh Act, 1890.**(Part II.—Oudh.—Sections 60-61. Part III.—The North-Western Provinces and Oudh.—Sections 62-64.)*

XIV of 1882. of Civil Procedure relating to appeals; but if it remands the suit, or frames and refers issues for trial, or requires additional evidence to be taken by the Court of first instance, it may direct its order either to the Court in which the suit was instituted, or to any other Court competent to entertain the suit,

and the objection that the order of a subordinate Appellate Court has been directed to a Court which was not competent to entertain the suit shall not be taken on second appeal."

60. In section 158 of the same Act there shall be substituted for the words "Chief Commissioner" in sub-sections (1) and (5) the words "Board, with the previous sanction of the Chief Commissioner," and for the words "The Chief Commissioner" in sub-sections (2) and (4) the words "The Board", and for the word "his" in sub-section (2) the word "its".

IX of 1889. Amendment of section 16, Act IX of 1889. 61. In section 16 of the North-Western Provinces and Oudh Kanungos and Patwaris Act, 1889, there shall be inserted after the word and figures "section 108" the word and figure "clause (2)".

## PART III.

## THE NORTH-WESTERN PROVINCES AND OUDH.

62. This Part shall come into force on such day as the Lieutenant-Governor of the North-Western Provinces and

Chief Commissioner of Oudh may, by notification in the official Gazette, direct.

63. (1) Notwithstanding anything in section 152 of the North-Western Provinces Rent Act, 1881, XII of 1881, or in section 128 of the Oudh Rent Act, 1886, the Board of Revenue of the North-Western Provinces and Oudh shall for the disposal of cases under those Acts sit in such place or places in the North-Western Provinces or Oudh as the said Lieutenant-Governor and Chief Commissioner may, by notification in the official Gazette, appoint in respect to cases under either of those Acts.

(2) For the disposal of cases other than those referred to in sub-section (1) the said Board may, subject to the orders of the said Lieutenant-Governor and Chief Commissioner, sit in any place in the North-Western Provinces or Oudh that the Board thinks fit.

64. For the second paragraph of section 4 of the North-Western Provinces Land-revenue Act, XIX of 1873, the following shall be substituted, namely:—

"The Board shall have the powers conferred by Chapter VII of this Act on Commissioners of divisions."

S. HARVEY JAMES,

Secretary to the Government of India.

SL No 7133



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## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd July 1890:

NO. 7 OF 1890.

*A Bill to amend the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882.*

of 1872.  
of 1882.  
WHEREAS it is expedient to amend the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882; it is hereby enacted as follows:—

*Indian Evidence Act, 1872.*

of 1872.  
I. (1) For the Explanation to section 14 of the Indian Evidence Act, 1872, the following shall be substituted, namely:—  
Amendment of section 14, Act I, 1872.

[Conf. 34 & 35  
Vict., c. 112,  
p. 19.]  
"Explanation.—Except in the cases herein-after mentioned, a fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question. The cases above referred to as excepted are criminal proceedings in which—

X of 1882.  
(a) the fact so relevant is a previous conviction of the accused person, or  
(b) the accused is tried under section 234 of the Code of Criminal Procedure, 1882, at one trial for three offences of the same kind, and the fact so relevant is otherwise relevant to prove any of the offences, or

(c) the accused is tried for an offence punishable under Chapter XII or Chapter XVIII of the Indian Penal Code." XLV of 1860.

(a) For *Illustration (b)* to the same section the following shall be substituted, namely:—

"(b) A is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

The fact that A had on a previous or subsequent occasion delivered a counterfeit coin to another person is relevant.

The fact that A had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant."

2. In section 15 of the said Act, after the word "intentional" there shall be inserted the words "or whether an act was done with a particular knowledge or intention"; and for *Illustration (c)* to the same section the following shall be substituted, namely:—

"(c) A is charged with cheating B by pledging as diamonds articles which he knew were not diamonds.

The question is whether A knew that the articles were not diamonds.

The facts that A, soon before or soon after he pledged the diamonds to B, pledged counterfeit diamonds to C, D and E are relevant as showing that A knew that the articles he pledged to B were not diamonds."

3. To section 26 of the said Act the following shall be added, namely:—  
Addition to section 26, Act I, 1872.

"Explanation.—In this section 'Magistrate' means a person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, 1882." X of 1882.

4. (1) For section 43 of the said Act the following shall be substituted, namely:—  
Amendment of section 43, Act I, 1872.

"43. Convictions or sentences, and judgments, orders or decrees, other than the

judgments orders or decrees mentioned in sections 40, 41 and 42, are irrelevant, unless the existence of the conviction or sentence or of such judgment, order or decree is a fact in issue or is relevant under some other provision of this Act."

(d) To the same section the following *Illustrations* shall be added, namely:—

"(e) A is charged with theft and with having been previously convicted of theft. The previous conviction is relevant as a fact in issue."

"(f) A is tried for the murder of B. The fact that B prosecuted A for libel and that A was convicted and sentenced is relevant under section 8 as showing the motive for the fact in issue."

5. For section 54 of the said Act the following shall be substituted, namely:—

"54. In criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant."

"*Explanation 1*.—This section does not apply to cases in which the bad character of any person is itself a fact in issue."

"*Explanation 2*.—A previous conviction is relevant as evidence of bad character."

6. In the *Explanation* to section 55, after the word "but" there shall be inserted the words "and figures" "except as provided in section 54".

7. In section 86 of the said Act, for the words "resident in" the words "in or for" shall be substituted, and to the same section the following shall be added, namely:—

"An officer who, with respect to any territory or place not forming part of Her Majesty's dominions, is a Political Agent therefor, as defined in section 3 of the Foreign Jurisdiction and Extradition Act, 1879, and section 190 of the Code of Criminal Procedure, 1882, shall, for the purposes of this section, be deemed to be a representative of the Government of India in and for the country comprising that territory or place."

*Code of Criminal Procedure, 1882.*

8. To section 310 of the Code of Criminal Procedure, 1882, the following shall be added, namely:—

"Notwithstanding anything in this section, evidence of the previous conviction may be given at the trial for the subsequent offence, if the fact of the previous conviction is relevant, under the provisions of the Indian Evidence Act 1872."

[6 & 7 Wm. IV. c. 111, 24 & 25 Vict., c. 95, s. 116, 34 & 35 Vict., c. 112, ss. 9 & 20.]

## STATEMENT OF OBJECTS AND REASONS.

THE principal object of this Bill is to amend section 54 of the Indian Evidence Act, 1872, so as to render the previous conviction of an accused person irrelevant when it is sought to prove the conviction with the object merely of showing that the accused is a man of bad character and is therefore more likely to have committed the offence with which he is charged. The fact that a person has been previously convicted of an offence has of itself little probative force to establish the fact that he has committed another offence, and it is not expedient to admit evidence which can only prejudice the accused. By section 5 of the Bill, therefore, it is proposed to repeal so much of section 54 as provides that in criminal proceedings the fact that the accused person has been previously convicted of any offence is relevant. The result of this amendment of the law will be that the rule as to the relevancy of a previous conviction will be contained in section 43 of the Act. The existence of the judgment convicting the accused will be relevant only if the fact of the conviction is a fact in issue or is relevant under some provision of the Act.

2. It seems necessary also to amend the Act so as to show, first, that in criminal cases, where evidence of character is relevant, a previous conviction is relevant to prove bad character, and, secondly, that a previous conviction may be relevant to prove a relevant state of mind, for instance, guilty intention or knowledge. It is proposed to effect the first of these amendments by adding an *Explanation* to section 54 as amended by section 5 of the Bill. The second it is proposed to effect by section 1 of the Bill, which amends the *Explanation* to section 14 of the Act, so as to allow a previous conviction to be proved in order to show a guilty knowledge or intention.

3. In English law for the purpose of proving guilty knowledge evidence of other acts of a nature similar to that charged may be given in cases of uttering false coin or disposing of forged bank notes (*I Russell*, 233). On the whole, evidence of this nature has been confined to cases of coining and forgery, but there is one case, *Reg. v. Francis* (43 L. J. M. C. 97), in which such evidence was admitted on a charge of obtaining money on false pretences. In that case Lord Coleridge, C. J., said:—"It seems clear, upon principle, that when the fact that the prisoner has done the thing charged is proved, and the only remaining question is, whether at the time he did it he had guilty knowledge of the quality of his act, or acted under a mistake, evidence of the class received must be admissible." This case of *Reg. v. Francis* probably goes further than any other case, and the amendment, which has been proposed, of section 15 seems to provide sufficiently for the class of cases in which the peculiar nature of the offence makes this question the crucial test. Section 1 of the Bill accordingly allows evidence of this class in the case of offences punishable under Chapter XII (OFFENCES RELATING TO COIN AND STAMPS) and Chapter XVIII (FORGERY) of the Indian Penal Code.

4. As regards the admission of evidence of other similar acts to prove guilty knowledge in cases other than offences under Chapter XII and Chapter XVIII of the Indian Penal Code, it is thought that such evidence might be admitted in cases in which an accused person is under section 234 of the Code of Criminal Procedure, 1882, charged with, and tried for, three offences of the same kind at one trial. That is to say, it is proposed to allow the evidence brought forward to prove one of the three offences to be relevant to prove guilty knowledge or intention in the case of the other offences. As the accused is charged with and is being tried for all three offences, he has an opportunity of disproving the evidence brought against him.\* Issues are not raised which are foreign to the charge, and the chief objections to the admission of evidence of this class do not exist. The provision in 34 & 35 Vict., c. 112, s. 19, as regards dishonestly receiving stolen property supports this proposal. In section 1, clause (d), an amendment of the *Explanation* to section 14 of the Act in order to admit evidence of this description has been made.

5. Section 310 of the Code of Criminal Procedure, 1882, seems to require amendment with reference to the question whether a previous conviction can be proved as relevant evidence of the subsequent offence. As the amendments proposed will prevent a previous conviction being proved in order merely to prejudice an accused person, it will be safe to provide that nothing in section 310 of the Code of Criminal Procedure, 1882, is intended to exclude the evidence of a previous conviction when such evidence is relevant under the Indian Evidence Act, 1872. The result will be that, if an accused person is charged with an offence committed after a previous conviction, the previous conviction will be relevant to prove guilty knowledge or intention, and also to rebut evidence of good character produced by the accused. Section 8 of the Bill contains the proposed amendment.

6. Briefly stated, the amendments proposed to be made in the Indian Evidence Act, 1872, by the Bill are as follows:—

- (1) the provision allowing a previous conviction to be proved in all cases will be repealed;
- (2) a previous conviction will be relevant under section 43 when it is a fact in issue or otherwise relevant under the Act;
- (3) a previous conviction will be relevant as evidence of bad character, when such evidence is relevant;
- (4) a previous conviction will be relevant to prove guilty knowledge or intention;
- (5) in cases of offences relating to coining and forgery, facts showing the existence of any state of mind, such as intention or knowledge, will be relevant although those facts do not show the existence of the state of mind in reference to the particular matter in question;
- (6) in cases where the accused is tried under section 234 of the Code of Criminal Procedure, 1882, at one trial for three offences of the same kind, the evidence relevant to prove one offence may be used as showing guilty knowledge or intention in the case of either of the other offences;
- (7) the fact that an act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, will be relevant to prove guilty knowledge or intention.

7. Sections 3 and 7 of the Bill have reference to the cases reported at I. L. R. 2 Mad. 5 and 14 Cal. 546, respectively.

*The 4th July, 1890.*

ANDREW R. SCOBLE.

S. HARVEY JAMES,

*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd July 1890:

## NO. 8 OF 1890.

*A Bill to amend the Cattle-trespass Act, 1871.*

1871. WHEREAS it is expedient to amend the Cattle-trespass Act, 1871; It is hereby enacted as follows:—

Substitution of new section for section 1, Act I, 1871. 1. For section 1 of the said Act the following shall be substituted, namely:—

Title and extent. "1. (1) This Act may be called the Cattle-trespass Act, 1871, and

(2) It extends to the whole of British India except the Presidency-towns and such local areas as, with the previous sanction of the Governor General in Council, the Local Government, by notification in the official Gazette, may from time to time exclude from its operation.

(3) The Local Government may at any time cancel or vary a notification under sub-section (2)."

2. (1) To the first paragraph of section 12 of the said Act, prescribing the scale according to which the pound-keeper is to levy a fine for every head of cattle impounded, the following proviso shall be added, namely:—

1871. "Provided that, when it appears to the Local Government from the report of a Magistrate of a District, or on the representation of a local authority as defined in Act No. XVIII of 1883 (*an Act to amend the Cattle-trespass Act, 1871*), that, in any local area subject to the jurisdiction or control of such Magistrate or authority, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Local Government may, by notification in the official Gazette, direct that, for every head of cattle of any kind specified therein which may be seized within such local area

and impounded as aforesaid, the pound-keeper shall levy such fine, not exceeding double the fine mentioned in the foregoing scale, as may be prescribed in the notification."

(2) After the third paragraph of the same section the following shall be added, namely:—

"Where a fine exceeding that mentioned in the scale set forth in the first paragraph of this section has been levied in pursuance of a notification under the proviso to that paragraph, the Magistrate of the District, or any Magistrate either generally or specially empowered by the Local Government in this behalf, may, on cause shown to his satisfaction by the person from whom the fine was levied, direct the refund of so much of the fine as is in excess of that leviable according to the scale aforesaid.

The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under the proviso to the first paragraph of this section."

3. In section 25 of the said Act the words "under the next following section or" shall be inserted between the words "Any fine imposed" and the words "for the offence of mischief".

4. To section 26 of the said Act the following shall be added, namely:—

Addition to section 26, Act I, 1871. "The Local Government, by notification in the official Gazette, may from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words 'twenty-five rupees' were substituted for the words 'ten rupees' or as if there were both such reference and such substitution.

The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under this section."

5. This Act shall come into force on the first day of January, 1891, and Act No. XVIII of 1883 (*an Act to amend the Cattle-trespass Act, 1871*) shall be read as if that Act of 1871 had reference to the Cattle-trespass Act, 1871, as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS.

IT has been repeatedly represented to the Government of India that the provisions of the Cattle-trespass Act, 1871, are insufficient to meet the case of cattle which are not only not prevented from trespassing but are actually, in some parts of the country, encouraged by their owners to do so.

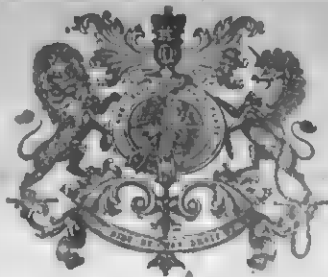
Renewed representations from Southern India and Behar, as well as reports from Western India, have recently been received by the Government of India, and it has now been decided to introduce this Bill for the purpose of authorising Local Governments to prescribe the imposition, in special localities, of heavier penalties for cattle-trespass than are allowed by the general law.

*The 30th June, 1890.*

PHIL P. HUTCHINS.

S. HARVEY JAMES,

*Secretary to the Government of India.*



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## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th July 1890:

NO. 9 OF 1890.

*A Bill to provide for certain matters in connection with the taking of the Census.*

WHEREAS it has been determined to take a census of British India during the year 1891, and it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Title and commence- Census Act, 1890; and ment.

(2) It shall come into force at once.

2. (1) This section and sections 3, 4, 13 and 14 extend to the whole of Extent. British India.

(2) The remaining sections extend only to such parts of British India as the Local Government may, by notification in the official Gazette, direct.

3. (1) The Local Government may appoint Appointment of cen- any person, by name or by sus-officers. office, to take, or aid in or supervise the taking of, the census within any specified local area.

(2) Persons so appointed shall be called census-officers.

(3) The Local Government may delegate to such authority as it thinks fit the power of appointing census-officers which is conferred by this section.

4. (1) A declaration in writing, signed by any officer authorized by the Local Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(2) All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

XLV of 1860.

5. (1) (a) Every military or naval officer in command of any body of men belonging to Her Majesty's military or naval forces or of any vessel of war,

(b) every person (except a pilot or harbour-master) having charge or control of a vessel,

(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public, charitable, religious or educational institution,

(d) every keeper or manager of any sarai, hotel, boarding-house, lodging-house or club, and

(e) every occupant of immoveable property having at the time of the taking of the census not less than fifty persons employed under him on or in such property,

shall, if so required by the District Magistrate, or, in the towns of Calcutta, Madras and Bombay, by such officer as the Local Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or inmates



of his house or present on or in such property, as such Magistrate or officer may, by written order, direct.

(2) All the provisions of this Act relating to census-officers shall apply, so far as they can be made applicable, to all such persons while performing such duties, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under

XLV of 1860. section 187 of the Indian Penal Code.

6. (1) The District Magistrate may, by written order, call upon all owners and occupiers of land, tenure-holders, farmers, assignees of land-revenue and lessees of fisheries under the Burma Fisheries Act, 1875, in his district, or their agents, and upon all members of panchayats appointed in his district under the Village Chaukidari Act, 1870 (Bengal), or the Chota Nagpore Rural Police Act, 1887, to give such assistance as he needs towards the taking of a census of the persons who are at the time of the taking of the census, on the lands of such owners, occupiers, holders, farmers and assignees, within the limits of such fisheries or in the villages for which such panchayats are appointed, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees, lessees or their agents, and the members of such panchayats, shall be bound to obey it.

7. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Local Government and published in the official Gazette, he may be directed to ask.

8. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and that no woman shall be bound to state the name of her husband or deceased husband.

9. Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters or numbers as may be necessary for the purposes of the census.

10. (1) Subject to such orders as the Local Government may issue in this behalf, any census-officer may leave, or cause to be left, at any dwelling-house within the local area for which he is appointed, a schedule for

the purpose of its being filled up by the occupier of such house or of any specified part thereof with such particulars as the Local Government may direct regarding the inmates of such house or part at the time of the taking of the census.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates shall fill it up to the best of his knowledge or belief, so far as regards the inmates of such house or part, as the case may be, at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as he may direct.

#### Penalties.

#### II. In any of the following cases, namely:—

- (a) if a census-officer without sufficient cause refuses or neglects to act as such,
- (b) if a census-officer knowingly and without sufficient cause puts any offensive or improper question or makes any false return,
- (c) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 8 so to answer,
- (d) if any person occupying any house, enclosure, vessel or other place refuses to allow a census-officer such access thereto as he is required by section 9 to allow,
- (e) if any person removes, obliterates, alters or injures before the thirty-first day of March, 1891, any letters or numbers which have been printed or affixed under section 9,
- (f) if any occupier of a dwelling-house or part thereof knowingly and without sufficient cause fails to comply with the provisions of section 10 or makes any false return under that section,

he shall be punished with fine which may extend to fifty rupees.

12. (1) The Local Government may, by notification in the official Gazette,—

- (a) declare before what classes of Magistrates prosecutions under this Act, or for neglecting or refusing to do anything required by this Act to be done, may be instituted, and
- (b) direct that no such prosecution shall be instituted except with its previous sanction, or with the previous sanction of some officer authorized by it in this behalf.

(2) Unless and until a notification is published under clause (a) of this section, all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere before the District Magistrate.

13. Notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any book, register or record made by a census-officer in the discharge of his duty as such officer shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1882.

14. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census of British India during the year 1891, cause a census of the municipality to be taken wholly or in part by any method authorised by this Act.

### STATEMENT OF OBJECTS AND REASONS.

THE main objects of this Bill, which generally follows the Indian Census Act, 1880, are to make provision, as regards those parts of the country where such provision may be deemed by Local Governments to be necessary, for (a) empowering enumerators to put questions in accordance with their instructions and to enter enclosures for the purpose of enumeration, (b) imposing penalties for refusal to give proper information, and (c) imposing penalties for misconduct of enumerators.

A new section (section 14) has been added for enabling municipal authorities with whom it may be arranged to have a municipal census taken simultaneously with, and in substitution for, the general census elsewhere, to adopt any of the methods authorised by the proposed Act in lieu of any method or methods enjoined by any local enactment or rule with respect to the mode in which a census is to be taken for purely municipal purposes.

*The 10th July, 1890.*

PHIL P. HUTCHINS.

S. HARVEY JAMES,

*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th July 1890:

## NO. 10 OF 1890.

*A Bill to amend the Indian Christian Marriage Act, 1872.*

XV of 1872. WHEREAS it is expedient to amend the Indian Christian Marriage Act, 1872; It is hereby enacted as follows:—

XV of 1872. 1. To clause (1) of section 5 of the Indian Christian Marriage Act, 1872, the following shall be added, namely:—

[37 & 38  
Vict., c. 77. s.  
4.] "and that within the limits of a diocese the person be acting as a Minister with the previous consent in writing of the Bishop of the diocese."

2. In section 11 of the said Act, after the words "other than a church" the words "belonging to the Church of England" shall be added, and between the word "no" and the word "church" in the expression "unless there is no church" the word "such" shall be inserted.

3. For section 62 of the said Act the following shall be substituted, namely:—

Substitution of new section for section 62, Act XV, 1872.  
"62. (1) Every person licensed under section 9 shall keep, in his own vernacular language and in such form as the Local Government by which he was licensed may from time to time prescribe, a register-book of all marriages solemnized under this Part in his presence, and shall deposit in the office of the Registrar General of Births, Deaths and Marriages for the territories under the administration of the said Local Government, in such form and at such intervals as that Government may prescribe, true and duly authenticated extracts from his register-book of all entries made therein since the last of those intervals.

(2) Where the person keeping the register-book was licensed as regards a Native State by the Governor-General in Council, references in sub-section (1) to the Local Government therein mentioned shall be read as references to the Local Government to whose Registrar General of Births, Deaths and Marriages certified copies of entries in registers of births and deaths are for the time being required to be sent under section 24, sub-section (2), of the Births, Deaths and Marriages Registration Act, 1886.

VI of 1886.

(3) Clause (c) of section 30 of the Births, Deaths and Marriages Registration Act, 1886, is hereby repealed.

Substitution of new section for section 66, Act XV, 1872.

4. For section 66 of the said Act the following shall be substituted, namely:—

False oath, declaration, notice or certificate for procuring marriage.

"66. Whoever, for the purpose of procuring a marriage or license of marriage, intentionally,—

(a) where an oath or declaration is required by this Act, or by any rule or custom of a Church according to the rites and ceremonies of which a marriage is intended to be solemnized, such Church being the Church of England or of Scotland or of Rome, makes a false oath or declaration, or,

(b) where a notice or certificate is required by this Act, signs a false notice or certificate,

shall be deemed to have committed the offence punishable under section 193 of the Indian Penal Code with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court, with fine."

XLV of 1860.

5. For the first forty-eight words of section 68 of the said Act the following shall be substituted, namely:—

Amendment of section 68, Act XV, 1872.  
"Whoever, not being authorised by section 5 of this Act to solemnize marriages, knowingly solemnizes, in the absence of a Marriage Registrar of the district in which the solemnization takes place, a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished".

6. To section 74 of the said Act the following shall be added, namely:—

Addition to section 74, Act XV, 1872.

"Whoever, being licensed to grant certificates of marriage under Part VI of this Act, fails to perform any of the duties imposed upon him by that Part shall be punished with fine which may extend to one hundred rupees."

7. Section 86 of the said Act shall be read as [Act XI, 1882, s. 5] if the words "situate within or bordering on" instead of the words "situate within the local limits of" had been enacted in that section when the Act was passed.

### STATEMENT OF OBJECTS AND REASONS.

SECTION 1 of the accompanying Bill to amend the Indian Christian Marriage Act, 1872, follows a suggestion adopted at the conference of Anglican Bishops of India and Ceylon held in January, 1888. Its object is to guard against the possibility of a marriage being solemnised by a person who, though episcopally ordained, does not hold the Bishop's license to officiate in the diocese.

2. By section 2 it is proposed to remove an ambiguity in the expression of section 11 of the Act.

3. The object of section 3 is to require a record to be made of every marriage solemnised between Native Christians under Part VI of the Act, whether a certificate of the marriage is applied for and granted or not.

4. Section 4, which follows a suggestion adopted at the conference held in January, 1888, is primarily designed to render liable to punishment under the Indian Penal Code a person taking a false oath before a Surrogate appointed by a Bishop to issue marriage licenses.

5. The object of section 5 is to remove doubts which have arisen in regard to the intention of the legislature owing to the confused expression of the earlier part of section 68 of the Act.

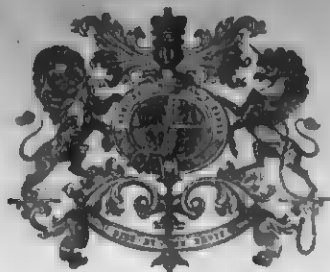
6. By section 6 it is proposed to attach a penalty to failure to perform the duties imposed by Part VI of the Act on persons licensed to grant certificates of marriage under that Part.

7. Section 7 is designed to remove the objection which has been taken to such States as Travancore and Cochin being described in section 86 of the Act as being "situate within the local limits" of the Presidency of Fort St. George.

*The 9th July, 1890.*

ANDREW R. SCOBLE.

S. HARVEY JAMES,  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 26, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 24th July 1890:

NO. 11 OF 1890.

*A Bill to amend the Schedule to the Petroleum Act, 1886.*

WHEREAS it is expedient to amend parts of the fourth paragraph (*Application of the test*) of Part III of the schedule to the Petroleum Act, 1886; It is hereby enacted as follows:

1. For the third and fourth clauses of the said paragraph commencing respectively with the words "If the flash takes place at any temperature below 77° Fahrenheit" and "No flash which takes place within eight degrees of the temperature at which the testing is commenced" the following shall be substituted, namely:

"If the flash takes place at any temperature below 77° Fahrenheit, the temperature at which it occurs is to be recorded. Two fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, and if in no instance the flash has taken place within eight degrees of the

temperature at which the testing is commenced, each result is to be corrected for atmospheric pressure as hereafter described, and the average of the three corrected results is the flashing point of the sample. In the event of there being a greater difference than 2° Fahrenheit between any two of the results, while in no instance has the flash taken place within eight degrees of the temperature at which the testing was commenced, the series of tests is to be rejected, and a fresh series of three similarly obtained, and so on, until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

If, however, a flash has occurred at or below 64° when the test is applied in the manner above described, the next testing shall be commenced ten degrees lower than the temperature at which the flash had been previously obtained (that is to say, at 54° or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2°, and until a flash has not occurred in any of the three tests within eight degrees of the temperature at which the testing is commenced: Provided always that if at the commencement of the series of tests a flash has occurred on the first application of the test-flame at 56°, and if a flash has also occurred on the first application of the flame in each of three successive tests in which, thereupon, the test-flame is first applied at 46° as above directed, the testing officer shall certify that the petroleum has a flashing point below 47° and the sample shall be reported dangerous."

#### STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the schedule to the Petroleum Act, 1886, for the purpose of facilitating the determination of the legal flashing point of inflammable oil. The form of the proposed amendment was suggested and has been finally approved by Sir F. Abel.

The 21st July, 1890.

PHIL. P. HUTCHINS.

S. HARVEY JAMES,

Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 24th July 1890:

No. 13 OF 1890.

**THE NORTH-WESTERN PROVINCES AND OUDH BILL, 1890.**

**CONTENTS.**

**SECTIONS.**

1. Title.

**PART I.**

**THE NORTH-WESTERN PROVINCES.**

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3. New section substituted for section 14, Act XIX of 1873.
4. Laws in force in certain districts of the Allahabad Division to apply to Jhānsī.
5. Amendment of Act XVI of 1882.
6. Discharge of functions assigned to Deputy Commissioner and Commissioner by Act XVII of 1886.
7. Jhānsī Division to cease to be a scheduled district.
8. Application of Act XII of 1887 to Jhānsī and disposal of pending cases.

**PART II.**

**ODDH.**

9. Commencement of Part II.
10. Board of Revenue of the North-Western Provinces to be the Board of Revenue of, and Chief Revenue-authority in, Oudh.
11. Addition to section 2, Act XVII of 1876.
12. Amendment of, and addition to, section 3, Act XVII of 1876.
13. New sections added after section 4, Act XVII of 1876.

**SECTIONS.**

14. Amendment of sections 4 (a), 28, &c., Act XVII of 1876.
15. New sections substituted for section 13, Act XVII of 1876.
16. Amendment of section 14, Act XVII of 1876.
17. Amendment of section 16, Act XVII of 1876.
18. Amendment of section 32, Act XVII of 1876.
19. Amendment of section 39, Act XVII of 1876.
20. New section substituted for section 43.
21. Amendment of sections 44 and 45, Act XVII of 1876.
22. Amendment of sections 56, &c., Act XVII of 1876.
23. Amendment of section 115, Act XVII of 1876.
24. Amendment of section 124, Act XVII of 1876.
25. Amendment of sections 125, 131, &c., Act XVII of 1876.
26. Amendment of section 158, Act XVII of 1876.
27. New section substituted for section 190, Act XVII of 1876.
28. Amendment of section 191, Act XVII of 1876.
29. Amendment of section 217, Act XVII of 1876.
30. Repeal of section 45, and amendment of the second schedule, Act XVIII of 1876.
31. Amendment of section 9, Act IV of 1878.
32. Amendment of section 3 (7), Act I of 1879, and section 7, Act III of 1879.
33. Amendment of section 17, Act XIII of 1879.
34. New section substituted for section 18, Act XIII of 1879.
35. Amendment of section 27, Act XIII of 1879.
36. Amendment of section 3, Act XXII of 1881.
37. Amendment of section 3, Act XXII of 1886.
38. Amendment of section 108, Act XXII of 1886.
39. Amendment of section 109, Act XXII of 1886.
40. Repeal of words in section 115, Act XXII of 1886.
41. Amendment of section 116, Act XXII of 1886.

## SECTIONS.

42. New section substituted for section 117, Act XXII of 1886.
43. Amendment of section 118, Act XXII of 1886.
44. New section substituted for section 119, Act XXII of 1886.
45. New sections inserted after section 119, Act XXII of 1886.
46. Pending appeals.
47. New sections inserted after section 120, Act XXII of 1886.
48. Omission of words in section 122, Act XXII of 1886.
49. Amendment of section 123, Act XXII of 1886.
50. Amendment of section 124, Act XXII of 1886.
51. Amendment of section 158, Act XXII of 1886.

## PART III.

## THE NORTH-WESTERN PROVINCES AND OUDH.

52. Commencement of Part III.
53. Place where the Board may sit.
54. Amendment of section 4, Act XIX of 1873.

*A Bill to provide for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh.*

WHEREAS it is expedient to provide for the better administration of the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh, and for that purpose to amend certain enactments which are in force in the said Provinces and in Oudh; It is hereby enacted as follows:

1. This Act may be called the North-Western Provinces and Oudh Act, 1890.

## PART I.

## THE NORTH-WESTERN PROVINCES.

2. This Part shall come into force on such Commencement of day as the said Lieutenant-Governor may, by notification in the official Gazette, direct.

3. For section 14 of the North-Western Provinces Land-revenue Act, 1873, the following shall be substituted, namely:

"14. (1) The Local Government may from time to time, with the previous sanction of the Governor General in Council, create new, or abolish existing, divisions or districts, and may from time to time create new, or abolish existing, tahsils, and alter the limits of any division, district or tahsil, and may divide any district into sub-divisions, and from time to time alter the limits of the sub-divisions.

(2) All existing tahsils shall be deemed to be sub-divisions of districts."

And whereas it has been determined to annex the Jhānsī Division, comprising the districts of Jhānsī, Jalaun and Lalatpur, to the Allahabad Division;

And whereas the said Jhānsī Division is a scheduled district under the Scheduled Districts Act, 1874;

XIV of 1874.

And whereas it is expedient that the law in force in the said division should, on such annexation, be the same as the law in force in the temporarily-settled districts comprised in the Allahabad Division, and that the said division should cease to be a scheduled district;

It is hereby enacted as follows:

4. (1) All enactments which shall on the day when this Part comes into force be in force in the said temporarily-settled districts and not in the said Jhānsī Division shall be deemed to come into force in that division on and from the said day.

(2) Except the Jhānsī Encumbered Estates Act, 1882, and the Jhānsī and Morar Act, 1886, all enactments which shall on the said day be in force in the said division and not in the said temporarily-settled districts, including the Jhānsī Courts Act, 1867, and Act No. XXVII of 1867, shall be deemed to be repealed on and from the said day in the said division.

XVI of 1882.

XVII of 1886.

XVIII of 1867.

5. In the preamble and in section 3 of the Jhānsī Encumbered Estates Act, 1882, for the words "the Jhānsī Division" there shall be substituted the words "the territory now comprised in the Districts of Jhānsī, Jalaun and Lalatpur"; for the words "the Commissioner of the Jhānsī Division", wherever they occur, there shall be substituted the words "the Commissioner of the Allahabad Division"; and for the words "the Deputy Commissioner", wherever they occur, the words, "the Collector" shall be substituted.

XVI of 1882.

6. The functions assigned to the Deputy Commissioner and the Commissioner by the Jhānsī and Morar Act, 1886, shall be discharged by the District Judge and the High Court respectively, and references to Courts in the Jhānsī District subordinate to the Commissioner shall be deemed to apply to the Civil Courts established in that district under the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887.

XVII of 1886.

XII of 1887.

7. (1) On and from the said day the said Jhānsī Division shall cease to be a scheduled district; and in Part IV of the first schedule to the Scheduled Districts Act, 1874, and in Part IV of the sixth schedule to the Laws Local Extent Act, 1874, the words "the Jhānsī Division, comprising the Districts of Jhānsī, Jalaun and Lalatpur," shall be repealed.

XIV of 1874.

XV of 1874.

(2) Section 4 of the Jhānsī and Morar Act, 1886, and the last paragraph of the preamble to Part I of that Act, ending with the words "the Jhānsī District", shall also be repealed.

XVII of 1886.

*The North-Western Provinces and Oudh Bill, 1890.**(Part I.—The North-Western Provinces.—Section 8. Part II.—Oudh.—Sections 9-14.)*

XII of 1887. 8. (r) In section 1, sub-section (2), of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, the words "and except the Jhānsi Division" shall be repealed.

(2) All cases or proceedings pending in any Civil Court in the said Division on the said day shall be disposed of as follows:

(a) if pending in the Court of a Tahsildar or of an Assistant Commissioner of the second class—by the Munsif;

(b) if pending in the Court of an Assistant Commissioner of the first class—by the Subordinate Judge;

(c) if pending in the Court of a Deputy Commissioner—by the District Judge;

(d) if pending in the Court of the Commissioner—by the District Judge, unless the case pending is an appeal from a decree or order of the Deputy Commissioner, in which case the appeal shall be disposed of by the High Court.

XIII of 1887. (3) For the purposes of sections 20 to 22, both inclusive, of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, all decrees and orders passed by Civil Courts in the said division and not appealed against before the said day shall be deemed—

(a) if passed by the Court of a Tahsildar or an Assistant Commissioner of the second class—to have been passed by a Munsif;

(b) if passed by the Court of an Assistant Commissioner of the first class—to have been passed by a Subordinate Judge;

(c) if passed by the Court of a Deputy Commissioner or the Commissioner—to have been passed by a District Judge.

XVIII of 1867. (4) The period of limitation in the case of appeals from the decrees and orders mentioned in sub-section (2) shall be the period prescribed in section 15 of the Jhānsi Courts Act, 1867.

## PART II.

## OUDH.

IX of 1873. 9. This Part shall come into force on such day as the Chief Commissioner of Oudh may, by notification in the official Gazette, direct.

X of 1873. 10. (1) On and from the day on which this Part comes into force the Board of Revenue constituted under the North-Western Provinces Land-revenue Act, 1873, shall be deemed to be also the Board of Revenue for the territories administered by the Chief Commissioner of Oudh, and shall be known and designated as the Board of Revenue of the North-Western Provinces and Oudh.

(2) All references made in any enactment as amended by this Part to the Board of Revenue shall be deemed, so far as they relate to Oudh, to refer to the said Board.

(3) In any enactment for the time being in force in the territories administered by the Chief Commissioner of Oudh, in which the

expression "Chief Revenue-authority" or "Chief Controlling Revenue-authority" is used, the expression shall, subject to the provisions of any enactment passed after the said day, be construed, so far as the said territories are, concerned, as referring to the Board of Revenue of the North-Western Provinces and Oudh.

XI. To section 2 of the Oudh Land-revenue Act, 1876, the following shall be added, namely:

" 'Board' means the Board of Revenue."

XII. (r) In section 3 of the same Act, for the words "the Chief Commissioner" there shall be substituted the words "the Board, subject to the control of the Chief Commissioner".

(2) To the same section the following shall be added, namely:

" Sections 6 to 10, both inclusive, of the North-Western Provinces Land-revenue Act, 1873, shall, so far as may be, apply to the Board when exercising jurisdiction with respect to Oudh."

XIII. After section 4 of the same Act the following shall be inserted, namely:

" 4A. (1) The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a Division.

(2) An Additional Commissioner shall hold his office during the pleasure of the Chief Commissioner.

(3) An Additional Commissioner shall exercise such powers, and perform such duties, of the Commissioner of a Division under this Act, or under any other law for the time being in force, as the Chief Commissioner may, from time to time, prescribe, but only in such cases as the Commissioner of the Division may direct.

(4) This Act and every other law for the time being applicable to the Commissioner of the Division shall apply to the Additional Commissioner when exercising any powers or performing any duties under sub-section (3), as if he were the Commissioner of the Division.

4B. (1) The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, create new, or abolish existing, divisions or districts, and may from time to time create new, or abolish existing, tahsils, and alter the limits of any division, district or tahsil, and may divide any district into sub-divisions, and from time to time alter the limits of the sub-divisions.

(2) All existing tahsils shall be deemed to be sub-divisions of districts."

14. For the words "Chief Commissioner", wherever they occur in sections 4 (a), 28, &c., Act section 4, clause (a), sections 28, 29, 30, 35, 45, 70, 85 and 161, and section 184, clause (a), of the same Act, the word "Board" shall be substituted.



*The North-Western Provinces and Oudh Bill, 1890.**(Part II.—Oudh.—Sections 15-31.)*

New section substituted for section 13, Act XVII of 1876.

"13. Tahsildars shall be appointed by the Board subject to such rules as to qualification or otherwise as the Board, with the previous sanction of the Chief Commissioner, may from time to time make under section 220."

Amendment of section 14, Act XVII of 1876.

17. For the first fourteen words of section 16 of the same Act there shall be substituted the words "The Board shall, with the previous sanction of the Chief Commissioner, and for the words "The Chief Commissioner may" in the same section there shall be substituted the words "The Board may".

Amendment of section 32, Act XVII of 1876.

19. In section 39 of the same Act there shall be substituted for the words "as the Chief Commissioner may direct", wherever they occur, the words "as the Board or, in the case of a taluqdar, the Chief Commissioner may direct", and for the words "to the Chief Commissioner" the words "to the Board".

New section substituted for section 43.

"43. Every settlement shall be made subject to confirmation by the Chief Commissioner:

Provided that, in the case of settlements of individual mahals or parts of mahals undertaken at other times than at the general settlement and sanctioned by the Board, such confirmation shall not be necessary."

21. In sections 44 and 45 of the same Act for the words "Governor General in Council" the words "Chief Commissioner" shall be substituted.

22. For the words "Chief Commissioner", wherever they occur in sections 56, 58, 59, 62, 66, 67, 109 and 220 of the same Act, the words "Board, with the previous sanction of the Chief Commissioner," shall be substituted.

23. In section 115 of the same Act for the words "such officer as the Chief Commissioner from time to time empowers in this behalf" there shall be substituted the words "such officer as the Board from time to time empowers in this behalf either by name or by virtue of his office".

24. In section 124 of the same Act for the words "to the Chief Commissioner, and the Chief Commissioner" the words "to the Board, and the Board, or, in the case of a taluq or part of a

taluq, the Chief Commissioner" shall be substituted.

25. For the words "the Chief Commissioner" the words "the Board or, in the case of a taluq or part of a taluq, the Chief Commissioner" shall be substituted in the following sections of the same Act, namely: in sections 125 and 131, wherever the words "the Chief Commissioner" occur, in section 132, where the words first occur, and in section 136.

26. In section 158 of the same Act there shall be substituted for the words "by the Chief Commissioner" the words "by the Board", and for the words "to the Chief Commissioner, and the Chief Commissioner may thereupon annul the existing sub-settlement of such mahal or patti for such period (not exceeding fifteen years) as he thinks fit," the words "to the Board, and the Board may thereupon annul the existing sub-settlement of such mahal or patti for such period (not exceeding fifteen years) as it thinks fit."

New section substituted for section 190, Act XVII of 1876.

27. For section 190 of the same Act the following shall be substituted, namely:

"190. The Board and every Commissioner may call for the file of any proceeding held by any officer subordinate to it or him respectively, and may pass such orders thereon as it or he thinks fit."

28. In section 191 of the same Act there shall be substituted for the words "Chief Commissioner" the word "Board" and for the words "refer any dispute before him" the words "refer any dispute before it or him".

29. For the first two paragraphs of section 217 of the same Act the following shall be substituted, namely:

"The Board and any officer mentioned in the last preceding section may summon any person whose attendance it or he considers necessary for the purpose of any investigation, suit or other business before it or him.

"All persons so summoned shall be bound to attend, either in person or by authorized agent, as the Board or such officer may direct."

30. Section 45 of the Oudh Laws Act, 1876, XVIII of 1876, is hereby repealed, and in the third column of Part I of the second schedule to the same Act there shall be omitted the words "for 'Board of Revenue' read 'Chief Commissioner'" in the modification of section 3 of Regulation XXXIII of 1803, and the words "and for 'Board of Revenue' read 'Chief Commissioner'" in the modification of section 5 of Regulation XI of 1806.

31. In section 9 of the Oudh Local Rates Act, IV of 1878, 1878, for the words "Chief Commissioner" the words "Board of Revenue" shall be substituted.

*The North-Western Provinces and Oudh Bill, 1890.**(Part II.—Oudh.—Sections 32-44.)*

**32.** In section 3, clause (7), of the Indian Stamp Act, 1879, and in section 7 of the Destruction of Records Act, 1879, after the words "the North-Western Provinces" the words "and the Chief Commissioner of Oudh" shall be inserted.

I of 1879.  
III of 1879.

Amendment of section 3 (7), Act I of 1879, and section 7, Act III of 1879.

**33.** In section 17 of the Oudh Civil Courts Act, 1879, after the words and figures "Civil Procedure, section 15" there shall be inserted the words "and of any other enactment for the time being in force"; and there shall be substituted for the words "five hundred rupees" in clause (c) of the same section the words "one thousand rupees", and for the proviso to the same section the following, namely:

XIII of 1879.

Amendment of section 17, Act XIII of 1879.

"The Local Government may, from time to time, on the recommendation of the Judicial Commissioner, direct, by notification in the official Gazette,—

(a) with respect to any Munsif named therein, that his jurisdiction shall extend, subject as aforesaid, to all suits of such value, not exceeding two thousand rupees, as may be specified in the notification, or

(b) with respect to any Subordinate Judge named therein, that his jurisdiction shall extend, subject as aforesaid, to all original suits cognizable by the Civil Courts,

and may, from time to time, by like notification, withdraw any jurisdiction so conferred."

**34.** For section 18 of the same Act the following shall be substituted, namely:

New section substituted for section 18, Act XIII of 1879.

"18. (1) An appeal from a decree or order of a Subordinate Judge in an original suit or proceeding shall, when an appeal is allowed by law, lie—

Appeals from decrees and orders of Subordinate Judges and Munsifs.

(a) to the District Judge where the value of the suit in which, or in any proceeding arising out of which, the decree or order was made did not exceed ten thousand rupees, and

(b) to the Judicial Commissioner in any other case.

(2) An appeal from a decree or order of a Munsif shall, when an appeal is allowed by law, lie to the District Judge.

(3) The Judicial Commissioner may, from time to time, with the previous sanction of the Local Government, direct, by notification in the official Gazette, that appeals from all or any of the decrees or orders of any Munsif shall be preferred to such Subordinate Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly."

**35.** In section 27 of the same Act for the words "Judicial Commissioner" the words "District Judge" shall be substituted.

Amendment of section 27, Act XIII of 1879.

XXII of 1881.

**36.** In section 3, clause (a), of the Excise Act, 1881, after the words "the North-Western Provinces" the words "and the Chief

Commissioner of Oudh" shall be inserted, and the word "Oudh" shall be omitted.

**37. (1)** In section 3 of the Oudh Rent Act, 1886, after clause (1) there shall be inserted the following, namely:

Amendment of section 3, Act XXII of 1886.

"(1A) 'Board' means the Board of Revenue."

(2) For clause (13) of the same section the following shall be substituted, namely:

"(13) 'prescribed' means prescribed from time to time—

(a) before the day on which Part II of the North-Western Provinces and Oudh Act, 1890, came into force, by the Chief Commissioner by rules under this Act; and

(b) after that day, by the Board by rules made under this Act with the previous sanction of the Chief Commissioner."

**38.** To section 108 of the same Act, before the words "Courts other than", there shall be prefixed the words "Except in the way of appeal as hereinafter provided,".

Amendment of section 108, Act XXII of 1886.

**39.** In section 109, clause (5), of the same Act for the words "the Judicial Commissioner" the words "the Board" shall be substituted.

Amendment of section 109, Act XXII of 1886.

**40.** In section 115, sub-section (1), of the same Act the words "of the first and" shall be repealed.

Repeal of words in section 115, Act XXII of 1886.

**41.** To section 116 of the same Act, after the words "orders of Collectors", the words "and of Assistant Collectors of the first class" shall be added.

Amendment of section 116, Act XXII of 1886.

**42.** For section 117 of the same Act the following shall be substituted, namely:

New section substituted for section 117, Act XXII of 1886.

"117. The Board may hear and determine appeals from the appellate decrees and orders of the Commissioner, except where the appellate decree or order of the Commissioner dismisses the appeal from the original decree or order."

**43.** In section 118, sub-section (1), clause (c), of the same Act for the words "to the Judicial Commissioner" the words "to the Board" shall be substituted.

Amendment of section 118, Act XXII of 1886.

**44.** For section 119 of the same Act the following shall be substituted, namely:

New section substituted for section 119, Act XXII of 1886.

"119. (1) The decree or order of a Collector or of an Assistant Collector of the first class in a suit of a description mentioned in clause (2), (3), sub-clause (a) or (b), (11), (15), (16), (17) or (18) of section 108, or the decree or order of a Collector in an appeal from

Restrictions on appeals.

*The North-Western Provinces and Oudh Bill, 1890.*

(Part II.—Oudh.—Sections 45-51. Part III.—The North-Western Provinces and Oudh.—Section 52.)

a decree or order in any such suit, shall be final, unless—

- (a) the value of the suit exceeds one hundred rupees, or
- (b) a question of right to enhance or otherwise vary the rent of a tenant, or a question relating to a title to land or to some interest in land, as between parties having conflicting claims thereto, has been determined by the decree or order of the Collector or of the Assistant Collector.

XIV of 1882.

(c) In either of the cases mentioned in clauses (a) and (b) of sub-section (1), the decree or order which would otherwise be final under that sub-section shall, subject to the Code of Civil Procedure as applied by this Act, be open to appeal, in suits of value not exceeding five thousand rupees, to the District Judge, and, in suits of value exceeding that amount, to the Judicial Commissioner.

(g) The decree or order of a Collector in an appeal from a decree or order in a suit of a description mentioned in clause (1), (3), (4), (5), (6), (7), (8), (9), sub-clause (c), (d) or (e), (10), (12), (13) or (14) of section 108 shall be final."

New sections inserted after section 119, Act XXII of 1886.

45. After section 119 of the same Act the following shall be inserted, namely:

"119A. The rules for the time being in force in regard to the time within which appeals from the decrees and orders of Civil Courts may be received, and to the manner in which such appeals are heard and determined, and to all proceedings which may be had in respect of such appeals, shall be applicable to appeals under this Act to the District Judge or to the Judicial Commissioner.

119B. From the decrees passed under this Act in appeal by District Judges an appeal shall lie to the Judicial Commissioner

Second appeals.

XIV of 1882.  
XV of 1877.

in all cases in which a second appeal is allowed by the Code of Civil Procedure and subject to the provisions of the Indian Limitation Act, 1877.

119C. For the purpose of deciding appeals under this Act a District Judge and the Judicial Commissioner shall have the powers conferred on a Court by this Act."

46. All appeals pending when this Part comes into force from decrees and orders passed under the same Act shall be disposed of as if this Act had not been passed:

Provided that the Chief Commissioner may, by order, transfer to the District Judge any appeals then pending before the Commissioner or Collector in cases in which the appeal will under the Oudh Rent Act, 1886, as amended by this Part, lie to the District Judge.

XXII of 1886.

New sections inserted after section 120, Act XXII of 1886.

47. After section 120 of the same Act the following shall be inserted, namely:

*"Review.*

"120A. The Board may, notwithstanding anything hereinbefore contained, at any time call for the record of any case which has come before a Commissioner or any Court subordinate to him, not being the record of a suit in which the decree or order is open to appeal, and may pass such orders thereon, consistent with this Act, as the Board thinks fit.

120B. The Board may review and may rescind, alter or confirm any decree or order made by itself, or by a single member, on the application of one of the parties to the case, if preferred within ninety days from the passing of the decree or order.

120C. In the case of any suit in which the decree or order of the Commissioner, Collector or Assistant Collector is final, as provided in sections 117 and 119, the Commissioner, Collector or Assistant Collector, as the case may be, may, on the application of a party to the suit, if presented within thirty days from the date of the decree or order, review the decree or order upon the ground of the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record."

Omission of words in section 122, Act XXII of 1886.

48. In section 122 of the same Act the words "Commissioner or" shall be omitted.

49. In section 123 of the same Act there shall be substituted for the words "The Judicial Commissioner" the words "The Board or the Commissioner" and for the words "subordinate to him" the words "subordinate to the Board or the Commissioner".

50. In section 124 of the same Act for the words "the Chief Commissioner" in each place where they occur the words "the Board" shall be substituted.

51. In section 158 of the same Act there shall be substituted for the words "Chief Commissioner" in sub-sections (1) and (5) the words "Board, with the previous sanction of the Chief Commissioner," and for the words "The Chief Commissioner" in sub-sections (2) and (4) the words "The Board", and for the word "his" in sub-section (2) the word "its".

**PART III.****THE NORTH-WESTERN PROVINCES AND OUDH.**

52. This Part shall come into force on such day as the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh may, by notification in the official Gazette, direct.

*The North-Western Provinces and Oudh Bill, 1890.**(Part III.—The North-Western Provinces and Oudh.—Sections 53-54)*

53. Subject to the orders of the said Lieutenant-Governor and Chief Commissioner, the Board of Revenue of the North-Western Provinces and Oudh may sit in any place in the North-Western Provinces and Oudh that the Board thinks fit.

54. For the second paragraph of section 4 of the North-Western Provinces Land-revenue Act, XIX of 1873, the following shall be substituted, namely:

"The Board shall have the powers conferred by Chapter VII of this Act on Commissioners of Divisions."

## STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the law in force in the North-Western Provinces and in Oudh so as to effect certain changes, and to enable the Local Government to make other changes, in the judicial and revenue administration of those Provinces and Oudh.

## 1. With regard to the North-Western Provinces the changes proposed are—

*first*, to reduce the area of the Benares Division, which is found to be too extensive a charge for one Commissioner, and for this purpose to create a new division; and

*secondly*, to abolish the division of Jhānsī, to unite the area comprised therein to the Allahabad Division, to remove Jhānsī from the list of scheduled districts, to place it under the same laws as are in force in the temporarily-settled districts of the Allahabad Division, and to convert the district of Lalatpur into a sub-division of the Jhānsī District.

3. To carry out these proposals Part I of the Bill (section 3) gives the Local Government power, with the previous sanction of the Governor General in Council, to create new divisions or districts, and to abolish, or to alter the limits of, existing divisions or districts. Section 4 of the Bill extends to the Jhānsī Division all enactments which are in force in the temporarily-settled districts of the Allahabad Division but are not in force in the Jhānsī Division; and it also repeals, with the exception of the Jhānsī Encumbered Estates Act, 1882, and the Jhānsī and Morar Act, 1886, all enactments which are in force in the Jhānsī Division but are not in force in the above-mentioned temporarily-settled districts. Section 7 removes the Jhānsī Division from the list of scheduled districts and makes the necessary amendments in the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874. One result of these sections will be that the Jhānsī Courts Act, 1867, will be repealed, and the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, will be extended to the Jhānsī Division. The Bill, therefore (section 8), contains provisions which are required to meet the transfer of jurisdiction from the Courts at present existing under the non-regulation system to the Courts which will be established under the Civil Courts Act of 1887.

4. With regard to Oudh it has been decided to transfer the criminal judicial work at present performed by Commissioners of Divisions to Sessions Judges, and with this object to reduce the number of Commissioners and appoint more District Judges. It has also been decided to transfer the duties which devolve on the Chief Controlling Revenue-authority from the Chief Commissioner to the Board of Revenue, and also some of the functions now discharged by the Judicial Commissioner in cases under the Rent Act to the same Board. It is proposed also to confer on the District Judges in Oudh so much of the appellate jurisdiction in rent cases as is exercised by District Judges under the Rent Act in force in the North-Western Provinces.

5. The legislation necessary to effect these changes is contained in Part II of the Bill. In the first place, section 10 of the Bill constitutes the Board of Revenue of the North-Western Provinces the Board of Revenue of Oudh, and declares that the Board shall be designated the Board of Revenue of the North-Western Provinces and Oudh and shall be the Chief Controlling Revenue-authority in Oudh. Sections 11 to 29 of the Bill amend the Oudh Land-revenue Act, 1876, so as to make the Board of Revenue the Chief Revenue-authority under that Act in Oudh, the necessary amendments being made in various sections of that Act. Power is also given to the Chief Commissioner, with the previous sanction of the Governor General in Council, to appoint Additional Commissioners and to create new or abolish existing divisions or districts and to alter the limits of any division or district.

6. Sections 33 to 35 (both inclusive) of the Bill amend the Oudh Civil Courts Act, 1879, so as to assimilate the jurisdiction of Munsifs and Subordinate Judges in Oudh to the jurisdiction exercised by those officers in the North-Western Provinces, and to provide that appeals from the decisions of Subordinate Judges in suits of value exceeding ten thousand rupees shall lie to the Judicial Commissioner.

7. Sections 37 to 51 (both inclusive) of the Bill amend the Oudh Rent Act, 1886, so as to give the Board of Revenue jurisdiction under that Act; to confer appellate jurisdiction on the District Judge in rent-suits of which the Civil Courts can properly take cognizance; to

regulate the appellate jurisdiction of the District Judge and the Judicial Commissioner and of the Board and the Commissioner, and to give the Board, Commissioner and subordinate Revenue-authorities power to review decisions which are not open to appeal.

8. The Bill is divided into three Parts—Part I relating to the North-Western Provinces, Part II to Oudh, and Part III to both the North-Western Provinces and Oudh. Part I contains the legislation required for the North-Western Provinces, Part II the legislation required for Oudh, and Part III a provision regarding the place where the Board of Revenue, which will under the Bill be the Board of Revenue of the North-Western Provinces and Oudh, may sit for the disposal of business.

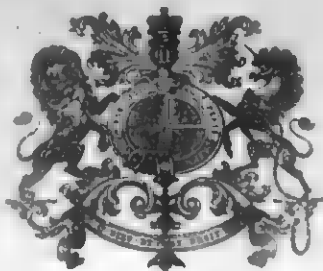
9. The Bill also makes in various Acts amendments which are required in order to carry out the object of making the Board of Revenue the Chief Revenue-authority in Oudh, but which it is not necessary to notice in detail.

*The 24th July, 1890.*

R. J. CROSTHWAITE.

S. HARVEY JAMES,

*Secretary to the Government of India.*



# The Gazette of India.

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SIMLA, SATURDAY, AUGUST 2, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 31st July, 1890:

NO. 14 OF 1890.

*A Bill to amend the Indian Emigration Act, 1883.*

WHEREAS it is expedient to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

1. To sub-section (1) of section 56 of the said Act the following proviso shall be added, namely:—

Addition of proviso to section 56 (1), Act XXI, 1883.

“Provided that, if the vessel is a steam-ship having a certificate of survey granted by the Board of Trade or any British Colonial Government or under the Indian Steam-ships Act, 1884, and in force and applicable to her intended voyage, the survey under this sub-section with a view to ascertain her seaworthiness shall not extend to her hull or machinery unless the Protector of Emigrants has reason to believe that, since the grant of the certificate, her hull or machinery has sustained injury or damage or has otherwise become inefficient.”

2. For section 102 of the said Act as amended by Act XXI of 1884 the following shall be substituted, namely:—

Substitution of new section for section 102, Act XXI, 1883.

“102. (1) On and from such a date as the Governor General in Council may, by notification in the Gazette of India, fix in this behalf with respect to any protected Native State adjoining the Straits Settlements, or with respect to any British colony or possession for labour in which Natives of India are recruited exclusively through the agency of the Government of the Straits Settlements, a Native of India who departs by sea out of British India under an agreement to labour for hire in any such State, colony or possession shall not, so long as the notification continues to apply to the State, colony or possession, be deemed to emigrate within the meaning of this Act.

(2) The Governor General in Council may, by notification in the Gazette of India, declare that from a date to be specified a notification under sub-section (1) shall no longer apply to a Native State or British colony or possession therein mentioned.”

(2) The Governor General in Council may, by notification in the Gazette of India, declare that from a date to be specified a notification under sub-section (1) shall no longer apply to a Native State or British colony or possession therein mentioned.”

3. Every notification made under section 102 of the said Act as amended by Act XXI of 1884 shall be deemed to have been made under sub-section (1) of section 102 of the said Act as amended by the last foregoing section of this Act.

Saving of notifications under section 102, Act XXI, 1883, as amended by Act XXI, 1884.

Act as amended by the last foregoing section of this Act.

## STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are two, namely:—

- (1) to save owners of steam-ships the expense and inconvenience of having the hulls and machinery of their vessels surveyed under the Indian Emigration Act, 1883, when valid and proper certificates as to their sufficiency and good condition have already been obtained under other Acts and are still in force, and
- (2) to extend, in the first instance, to British North Borneo, which proposes to procure labour from India through the agency of the Government of the Straits Settlements, the same facilities for procuring such labour as have been conceded to the Straits Settlements and to protected States adjoining those Settlements.

*The 28th July, 1890.*

PHIL. P. HUTCHINS.

S. HARVEY JAMES,

*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 31st July, 1890:

## NO 15 OF 1890.

*A Bill to amend the Indian Salt Act, 1882.*

WHEREAS it is expedient to amend the Indian Salt Act, 1882, for the purpose of regulating the traffic in Kohat salt in the Punjab; It is hereby enacted as follows:—

**XII of 1882.** I. To section 3 of the Indian Salt Act, 1882, the following shall be added, namely:—

“‘Kohat salt’ means salt produced in the district of Kohat in the Punjab.”

2. After Chapter III of the said Act the following shall be inserted, namely:—

Insertion of new Chapter IIIA after Chapter III, Act XII, 1882.

## “CHAPTER IIIA.

## INDUS PREVENTIVE LINE.

“8A. (1) The Governor General in Council may, from time to time, by Power to define zones and establish chains of posts. rule,—

(a) define a zone of country not exceeding fifteen miles in breadth—

(i) along any portion of the river Indus and at such distance therefrom as he deems expedient, or

(ii) in any tract extending from that river to the western frontier of the Punjab,

(b) extend any such zone so as to include any ferry, or any portion of a railway, canal or navigable river entering the zone, or any place where goods are loaded or unloaded into wagons or boats for the purpose of entering or leaving the zone, and

(c) within such a zone establish a chain of posts extending along the zone.

“(2) The establishment of a chain of posts under clause (c) of sub-section (1) shall be deemed to be a public purpose within the meaning of the Land Acquisition Act, 1870.

“8B. When a zone has been defined and a chain of posts established under section 8A, the Governor General in Council may from time to time, by rule—

(a) prohibit any person, except upon such conditions as may be prescribed in the rule, from having in his possession any Kohat salt within the limits of the zone,

(b) control and regulate the passage of traffic across the chain of posts so far as may be necessary for the prevention of the smuggling of Kohat salt across such chain, and

(c) provide for the searching of all persons and things crossing or being taken across the chain of posts.”

3. The following shall be added to section 25 of the said Act, namely:—

“A Salt-revenue-officer shall not be deemed to search or detain any person, or to seize the moveable property of any person, vexatiously and unnecessarily within the meaning of clause (b) or clause (c) of the first paragraph of this section if the search is authorised by any rule under clause (c) of section 8B, and the detention, or seizure is such as is necessary for the purposes of such search.”

4. To section 27 of the said Act the following shall be added, namely:—

“Nothing in this section shall be deemed to affect Chapter IIIA of this Act or any rule under that Chapter.”

And whereas the Madras Salt Excise Act, Mad. VI of 1871, has been repealed by the Madras Salt Act, 1889, and section 31 of the Indian Salt Act, 1882, has become obsolete; It is hereby enacted as follows:—

5. Section 31 of the Indian Salt Act, 1882, is hereby repealed.

Repeal of section 31, Act XII, 1882.

X of 1870.

XII of 1882.



## STATEMENT OF OBJECTS AND REASONS.

THE rate of duty on salt is much higher in Cis-Indus than in Trans-Indus tracts, and it has been found necessary to maintain a chain of posts for the prevention of the smuggling of salt from the latter tracts into the former. This chain of posts is known as the Indus Preventive Line, and legislation in the terms of sections 6 and 7 of the Inland Customs Act, 1875, such as is proposed in the accompanying Bill, is deemed essential to the efficiency of the Line.

*The 30th July, 1890.*

D. BARBOUR.

S. HARVEY JAMES,

*Secretary to the Government of India.*



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## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th August 1890:

No. 16 OF 1890.

*A Bill to amend the Births, Deaths and Marriages Registration Act, 1886.*

WHEREAS it is expedient to amend the Births, Deaths and Marriages Registration Act, 1886; It is hereby enacted as follows:—

I. In section 32 of the said Act, for the words "within one year from the date on which this Act comes into force", the words "at any time before the first day of April, 1891," shall be substituted.

Amendment of section 32, Act VI, 1886.

2. The following section shall be added to Chapter V of the said Act, namely:—

"35A. (1) The Governor General in Council, if he thinks fit, may, by notification in the Gazette of India, appoint more commissions than one for the purposes of this Chapter, each such commission consisting of so many and such members as he may, by a like notification, nominate thereto by name or by office, and having its functions restricted to the disposal, under this Act and the rules thereunder, of the registers or records sent under section 32 to such Registrar-General or Registrars General as the Governor General in Council may, by a like notification, specify in this behalf.

"(2) If more commissions than one are appointed in exercise of the power conferred by sub-section (1), then references in this Act to the Commissioners shall be construed as references to the members constituting a commission so appointed."

## STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are two—

- (1) to extend till the 31st March, 1891, the period prescribed in section 32 of the Births, Deaths and Marriages Registration Act, 1886, for the transmission to Registrars General of registers to which that section applies, and
- (2) to enable the Governor General in Council to appoint more than one body of Commissioners for the examination and verification of those registers.

There has been some misapprehension as to the classes of registers to which section 32 of the Act applies, and the consequence is that there are registers which should have been, but were not, submitted for examination and verification by the day specified in the section.

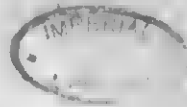
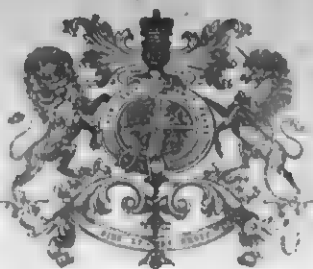
On the other hand, it seems desirable that there should be local commissions, and not one central body of Commissioners, for the examination and verification of the registers, but doubts have been raised whether this is allowable under the Act as it stands.

The 26th August, 1890.

PHIL. P. HUTCHINS.

S. HARVEY JAMES,

Secretary to the Government of India.



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SIMLA, SATURDAY, OCTOBER 4, 1890.

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## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to provide for certain matters in connection with the taking of the Census was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October 1890:

WE, the undersigned, Members of the Select Committee to which the Bill to provide

for certain matters in connection with the taking of the Census was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us annexed thereto.

From Officiating Secretary to Chief Commissioner, Assam, No. 3564J., dated 21st August, 1890, and enclosure [Papers No. 1].  
From Secretary to Chief Commissioner, Coorg, No. 1361-165-90, dated 1st September, 1890 [Paper No. 2].  
From Officiating Registrar, High Court, Calcutta, No. 2072, dated 5th September, 1890 [Paper No. 3].  
From Secretary for Berar to Resident, Hyderabad, No. 295, dated 3rd September, 1890 [Paper No. 4].  
From Chief Commissioner, Ajmere-Merwara, No. 997-690, dated 11th September, 1890 [Paper No. 5].  
From Assistant Secretary to Chief Commissioner, Central Provinces, No. 5705-566, dated 10th September, 1890 [Paper No. 6].  
From Chief Secretary to Government, Bombay, No. 3638, dated 9th September, 1890, and enclosure [Papers No. 7].  
From Officiating Junior Secretary to Government, Punjab, No. 794S., dated 5th September, 1890, and enclosures; No. 837S., dated 11th September, 1890, and enclosures [Papers No. 8].  
From Chief Secretary to Government, Bombay, No. 3730, dated 16th September, 1890 [Paper No. 9].  
From Secretary to Government, Bengal, No. M.-3-C.-18-31, dated 11th September, 1890, and enclosures [Papers No. 10].  
From Officiating Chief Secretary to Chief Commissioner, Burma, No. 539-10L., dated 15th September, 1890, and enclosures [Papers No. 11].  
From Chief Secretary to Government, Madras, No. 1493, dated 8th September, 1890, and enclosures [Papers No. 12].

2. We are of opinion that the Act should extend to the whole of British India. We have accordingly recast sections 1 and 2 of the Bill as introduced.

3. We have provided that the functions assigned to the District Magistrate by sections 4 and 5 of the revised Bill may be discharged by any officer appointed in that behalf by the Local Government. To the latter section we have made additions authorising requisitions for assistance in the taking of the census to be made upon lessees of fisheries under the Upper Burma Land and Revenue Regulation, 1889, upon village-servants in permanently-settled estates in the Madras Presidency, and upon members of panchayats appointed under the Silhat and Kachar Rural Police Regulation, 1883.

4. In section 7 of the revised Bill we have provided that no woman is to be bound to state the name of any person whose name she is forbidden by custom to mention.

5. In section 10, clause (c), we have provided for the protection of letters, marks or numbers already painted or affixed for the purposes of the census.

6. In section 11 of the revised Bill we have provided that no prosecution under the Act shall be instituted without the previous sanction of the Local Government or of some officer authorised in that behalf by the Local Government.

7. We have by section 12 of the revised Bill extended to entries in schedules delivered under section 9 the provisions of the former section with respect to the inadmissibility as evidence in certain cases of records made by census-officers.

8. The other amendments which we have proposed are unimportant and do not call for special remark.

9. The publication ordered by the Council has been made as follows:—

*In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India . . . . .	12th July, 1890.
Port Saint George Gazette . . . . .	5th August, 1890.
Bombay Government Gazette . . . . .	24th July, 1890.
Calcutta Gazette . . . . .	23rd July, 1890.
North-Western Provinces and Oudh Government Gazette . . . . .	2nd August, 1890.
Punjab Government Gazette . . . . .	17th July, 1890.
Central Provinces Gazette . . . . .	19th July, 1890.
Burma Gazette . . . . .	2nd August, 1890.
Assam Gazette . . . . .	26th July, 1890.
Coorg District Gazette . . . . .	1st August, 1890.
Sindh Official Gazette . . . . .	24th July, 1890.

*In the Vernaculars.*

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay . . . . .	Marathi . . . . .	7th August, 1890.
	Gujarathi . . . . .	7th August, 1890.
	Kanarese . . . . .	7th August, 1890.
Bengal . . . . .	Bengali . . . . .	20th July, 1890.
	Uriya . . . . .	31st July, 1890.
	Hindi . . . . .	16th September, 1890.
Burma . . . . .	Burmese . . . . .	9th August, 1890.
Assam . . . . .	Bengali . . . . .	16th August, 1890.
Sindh . . . . .	Sindhi . . . . .	31st July, 1890.

10. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

PHIL. P. HUTCHINS.  
ANDREW R. SCOBLE.  
C. A. ELLIOTT.  
R. J. CROSTHWAITE.

*The 1st October, 1890.*

**No. II.**

*A Bill to provide for certain matters in connection with the taking of the Census.*

WHEREAS it has been determined to take a census of British India during the year 1891, and it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Title, extent and commencement. Census Act, 1890.

(2) It extends to the whole of British India, inclusive of Upper Burma and British Baluchistan; and

(3) It shall come into force at once.

2. (1) The Local Government may appoint any person, by name or by office, to take, or aid in or supervise the taking of, the census within any specified local area.

(2) Persons so appointed shall be called census-officers.

(3) The Local Government may delegate to such authority as it thinks fit the power of appointing census-officers which is conferred by this section.

3. (1) A declaration in writing, signed by any officer authorized by the Local Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(2) All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

4. (1) (a) Every military or naval officer in command of any body of men belonging to Her Majesty's military or naval forces or of any vessel of war,

XLV of 1890

(b) every person (except a pilot or harbour-master) having charge or control of a vessel,

(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public, charitable, religious or educational institution,

(d) every keeper, secretary or manager of any sarai, hotel, boarding-house, lodging-house or club, and

(e) every occupant of immoveable property having at the time of the taking of the census not less than fifty persons employed under him, or living, on or in such property,

shall, if so required by the District Magistrate, or by such officer as the Local Government may appoint in this behalf by name or by office, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or inmates of his house or present on or in such property, as such Magistrate or officer may, by written order, direct.

(2) All the provisions of this Act relating to census-officers shall apply, so far as they can be made applicable, to all such persons while performing such duties, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

XLV of 1860.

5. (1) The District Magistrate, or such officer as the Local Government may appoint in this behalf by name or by office for any local area, may, by written order, call upon all owners and occupiers of land, tenure-holders, farmers, assignees of land-revenue and lessees of fisheries under the Burma Fisheries Act, 1875, or the Upper Burma Land and Revenue Regulation, 1889, in his district or in such local area, as the case may be, or their agents, upon village-servants in permanently-settled estates in the Madras Presidency, and upon all members of panchayats appointed in his district or in such local area under the Village Chaudhari Act, 1870 (Bengal), or the Chota Nagpore Rural Police Act, 1887, or the Silhat and Kachar Rural Police Regulation, 1883, to give such assistance as he needs towards the taking of a census of the persons who are at the time of the taking of the census on the lands of such owners, occupiers, holders, farmers and assignees, or within the limits of such fisheries or in the villages for which such village-servants or panchayats are appointed, as the case may be.

VII of 1875.  
III of 1889.

VI (B. C.) of 1870.  
V (B. C.) of 1887.  
I of 1883.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees, lessees or their agents, and such village-servants and the members of such panchayats, shall be bound to obey it.

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Local Government and published in the official Gazette, he may be directed to ask.

Asking of questions by census-officers.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such question to the best of his knowledge or belief:

Obligation to answer questions.

Provided that no person shall be bound to state the name of any female member of his household, and that no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

8. Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purposes of the census.

9. (1) Subject to such orders as the Local Government may issue in this behalf, any census-officer may leave, or cause to be left, at any dwelling-house within the local area for which he is appointed, a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof with such particulars as the Local Government may direct regarding the inmates of such house or part at the time of the taking of the census.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, as the case may be, at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as he may direct.

Penalties.

10. In any of the following cases, namely:—

(a) if a census-officer without sufficient cause refuses or neglects to act as such,

(b) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return,

(c) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 7 so to answer,

(d) if any person occupying any house, enclosure, vessel or other place refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow,

(e) if any person removes, obliterates, alters or injures before the thirty-first day of March, 1891, any letters, marks or numbers which have been painted or affixed for the purposes of the census,

(1) if any occupier of a dwelling-house or part thereof knowingly and without sufficient cause fails to comply with the provisions of section 9 or makes any false return under that section,

he shall be punished with fine which may extend to fifty rupees.

11. (1) The Local Government may, by jurisdiction in pro. notification in the official Gazette, declare before what classes of Magistrates prosecutions under this Act may be instituted.

(2) Unless and until a notification is published under sub-section (1), all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere before the District Magistrate.

(3) No prosecution under this Act shall be instituted except with the previous sanction of the Local Government, or with the previous sanction of some officer authorised by the Local Government in this behalf by name or by office.

12. Notwithstanding anything to the contrary in the Indian Evidence

Records of census not admissible in evidence in certain proceedings. Act, 1872, no entry in any book, register or record made by a census-officer in the discharge of his duty as such officer, and no entry in a schedule delivered under section 9, shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1882. I of 1872. X of 1882.

13. Notwithstanding anything in any enact-

ment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census of British India during the year 1891, cause the census of the municipality to be taken wholly or in part by any method authorised by this Act. Temporary suspension of local enactments and rules as to mode of taking census in municipalities.

S. HARVEY JAMES,

Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the Indian Emigration Act, 1883, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October 1890:

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Emigration Act, 1883, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

From Chief Secretary to Government, North-Western Provinces and Oudh, No. 1346—1,365, dated 12th August, 1890 [Paper No. 1].  
 From Secretary to Chief Commissioner, Coorg, No. 1269—177, dated 13th August, 1890 [Paper No. 2].  
 From Secretary for Berar to Resident, Hyderabad, No. 266G., dated 14th August, 1890 [Paper No. 3].  
 From Agent to Governor General in Baluchistan, No. 811F.C., dated 15th August, 1890 [Paper No. 4].  
 From Under Secretary to Chief Commissioner, Central Provinces, No. 5151—495, dated 16th August, 1890 [Paper No. 5].  
 From Officiating Revenue Secretary to Government, Punjab, No. 710S., dated 25th August, 1890 [Paper No. 6].  
 From Chief Secretary to Government, Bombay, No. 3440, dated 30th August, 1890 [Paper No. 7].  
 From Chief Commissioner, Ajmere-Merwara, No. 949—690, dated 30th August, 1890 [Paper No. 8].  
 From Officiating Chief Secretary to Chief Commissioner, Burma, No. 1067—19L., dated 29th August, 1890 [Paper No. 9].  
 From Officiating Secretary to Chief Commissioner, Assam, No. 3629, dated 28th August, 1890 [Paper No. 10].  
 From Officiating Registrar, High Court, Calcutta, No. 2163, dated 17th September, 1890 [Paper No. 11].  
 From Secretary to Government, Bengal, No. 400, dated 12th September, 1890, and enclosures [Papers No. 12].  
 From Chief Secretary to Government, Madras, No. 1495, dated 8th September, 1890, and enclosures [Papers No. 13].

as introduced have been generally approved, and we have left them unaltered.

3. But it has been brought to our notice by the Local Governments which have most to do with emigration that much trouble and delay are caused by that part of the Act of 1883 which requires an agreement to be prepared in triplicate for each intending emigrant. The Emigration Agents state that the third copy is not required for transmission to the Colonies, and that a copy of the particulars registered under section 31 is sufficient for their purposes. In these circumstances we have proposed to provide (sections 2, 3, 4 and 6 of the Bill as revised by us) that agreements shall be executed in duplicate instead of in triplicate, and we have made it clear that any number of intending emigrants appearing with the same recruiter before the Registering Officer or Protector at the same time, and desiring to emigrate on the same terms to the same country, may execute one instrument of agreement instead of as many such instruments as there are intending emigrants. The amendments which we have proposed will, we believe, remove any reasonable ground for complaint respecting the procedure under the Act as regards the execution of agreements.

4. The other alterations which we have proposed merely correct clerical errors in the Act and call for no further remark.

5. The publication ordered by the Council has been made as follows:—

*In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India . . . . .	2nd August, 1890.
Fort Saint George Gazette . . . . .	19th August, 1890.
Bombay Government Gazette . . . . .	7th August, 1890.
Calcutta Gazette . . . . .	15th August, 1890.
North-Western Provinces and Oudh Government Gazette . . . . .	9th August, 1890.
Punjab Government Gazette . . . . .	7th August, 1890.
Central Provinces Gazette . . . . .	9th August, 1890.
Burma Gazette . . . . .	23rd August, 1890.
Assam Gazette . . . . .	16th August, 1890.
Coorg District Gazette . . . . .	1st September, 1890.

*In the Vernaculars.*

Province.	Language.	Date.
Bombay . . . . .	Marathi . . . . .	21st August, 1890.
	Gujarathi . . . . .	21st August, 1890.
	Kanarese . . . . .	21st August, 1890.
Bengal . . . . .	Bengali . . . . .	19th August, 1890.
	Uriya . . . . .	29th August, 1890.
	Hindi . . . . .	2nd September, 1890.

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

PHIL. P. HUTCHINS.  
ANDREW R. SCOBLE.  
R. J. CROSTHWAITE.  
BABA KHEM SINGH BEDI.

The 1st October, 1890.

**No. II.***A Bill to amend the Indian Emigration Act, 1883.*

WHEREAS it is expedient to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

1. In section 31 of the said Act, after the word "mistake" the word "and" shall be inserted.

2. (1) In section 35, sub-section (1), of the said Act, the words "in duplicate" shall be substituted for the words "in triplicate" in both places where the latter words occur.

(2) To the same section the following sub-section shall be added, namely:—

"(4) Any number of intending emigrants appearing with the same recruiter before the Registering Officer or Protector at the same time, and desiring to emigrate on the same terms to the same country, may, with the permission of the Registering Officer or Protector (as the case may be), execute one instrument of agreement under this section, instead of each of such intending emigrants executing a separate instrument."

3. For section 37 of the said Act the following shall be substituted, namely:—

"37. When the agreement has been executed and attested—

(a) one of the copies thereof shall be delivered to the emigrant, and the other shall be retained by the Protector or sent by the Registering Officer to him, and

(b) a certified copy of the particulars registered under section 31 concerning the emigrant or emigrants by whom the agreement was executed, and concerning his or their dependents (if any), shall be delivered to the recruiter for transmission to the Emigration Agent."

4. There shall be substituted in sub-section (1) of section 49 of the said Act, for the word "agreement" the words and figures "particulars registered under section 31," and in sub-section (2) of the same section for the word "agreement" the words "said copy".

5. To sub-section (1) of section 56 of the said Act the following proviso shall be added, namely:—

"Provided that, if the vessel is a steam-ship having a certificate of survey granted by the Board of Trade or any British Colonial Government or under the Indian Steam-ships Act, 1884, VII of 1884, and in force and applicable to her intended voyage, the survey under this sub-section with a view to ascertain her seaworthiness shall not extend to her hull or machinery unless the Protector of Emigrants has reason to believe that, since the grant of the certificate, her hull or machinery has sustained injury or damage or has otherwise become inefficient."

6. Section 70 of the said Act is hereby repealed.

7. For section 102 of the said Act as amended by Act XXI of 1884 the following shall be substituted, namely:—

"102. (1) On and from such a date as the Governor General in Council may, by notification in the Gazette of India, fix in this behalf with respect to any protected Native State adjoining the Straits Settlements, or with respect to any British colony or possession for labour in which Natives of India are recruited exclusively through the agency of the Government of the Straits Settlements, a Native of India who departs by sea out of British India under an agreement to labour for hire in any such State, colony or possession shall not, so long as the notification continues to apply to the State, colony or possession, be deemed to emigrate within the meaning of this Act.

(2) The Governor General in Council may, by notification in the Gazette of India, declare that from a date to be specified a notification under sub-section (1) shall no longer apply to a Native State or British colony or possession therein mentioned."

8. Every notification made under section 102 of the said Act as amended by Act XXI of 1884 shall be deemed to have been made under sub-section (1) of section 102 of the said Act as amended by the last foregoing section of this Act.

9. In section 103 of the said Act, for the word and figures "section 102" the words, figures and letter "section 103, clause (a), and section 104" shall be substituted.

S. HARVEY JAMES,  
Secretary to the Government of India.



The following Report of the Select Committee on the Bill to provide for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October 1890:

WE, the undersigned, Members of the Select Committee to which the Bill to provide

From Pandit Sundar Lal, B.A., Vakil, High Court, Allahabad, dated 31st July, 1890 [Paper No. 1].

From Chief Secretary to Government, North-Western Provinces and Oudh, No. 160;—1-644A., dated 10th September, 1890; No. 1620—1-644A., dated 23rd September, 1890, and enclosures; No. 1643—1-644A., dated 26th September, 1890 [Papers No. 2].

for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

2. By section 3 of the Bill we have inserted in the North-Western Provinces Land-revenue Act a section (9A) enabling the Board to transfer revenue cases from a Court in one district to a Court in another district. This power can by virtue of section 13 of the Bill be exercised by the Board when acting under the Oudh Land-revenue Act.

3. In order to provide for future proceedings in relation to cases dealt with by Civil Courts in the Jhānsi Division, which by reason of the passing of the Act cease to exercise jurisdiction, we have inserted in section 9 of the Bill a sub-section (4) adapted from the provisions of section 17 of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887.

4. We have by section 28 of the Bill amended section 161 of the Oudh Land-revenue Act, 1876, so as to make the Board of Revenue the Court of Wards in Oudh, and in sections 29 to 31 inclusive of the Bill we have made the other necessary amendments in the provisions of that Act so far as they relate to the Court of Wards.

5. In the new section substituted by section 39 of the Bill for section 18 of the Oudh Civil Courts Act, 1879, we have altered sub-section (1), clause (a), so as to make the appeal from a decree or order of a Subordinate Judge in a suit of a value exceeding five thousand rupees lie to the Judicial Commissioner.

6. By section 40 of the Bill we have amended section 24 of the same Act so as to enable the Local Government to confer upon a Munsif the jurisdiction of a Small Cause Court in suits of a value not exceeding one hundred rupees. The latter section at present only allows such jurisdiction to be conferred on a Munsif in suits of a value not exceeding fifty rupees, and the Local Government is of opinion that the jurisdiction with which Munsifs in Oudh may be invested in Small Cause Court cases should be the same as that prescribed in the case of Munsifs in the North-Western Provinces by Act XII of 1887.

7. It has been pointed out that the provisions of sub-section (2) of section 32 of the Oudh Rent Act conflict with those of section 134 of the same Act regarding the limitation prescribed for a suit to set aside an award under section 32. We have accordingly amended the latter section by section 44 of the Bill so as to bring section 32 into conformity with section 134. A limitation of three months is not, we consider, too long in the case of the suits mentioned in section 134.

8. With regard to appeals under the Oudh Rent Act, 1886, we have adopted the suggestions of the Local Government. We have given an appeal in every case, but have provided that the original decree or order of a Collector in a suit of the class in which the appeal does not lie to the District Judge or Judicial Commissioner shall not be open to appeal except on a ground on which a second appeal is allowed by the Code of Civil Procedure. With regard to the class of suits in which under section 44 of the Bill as introduced an appeal was provided in certain cases to the Judge or Judicial Commissioner, we have by section 51 of the Bill amended section 119 of the Oudh Rent Act so as to give an

appeal in all cases, whatever the value of the suit or nature of the question determined, to the Judge or Judicial Commissioner according to the value of the suit. We have also, in accordance with the opinion expressed by the Local Government, omitted the section which was inserted by section 47 of the Bill as introduced and which gave the Board power to call for cases decided under the Oudh Rent Act by Subordinate Courts and to pass such orders thereon as the Board might think fit.

9. In section 56 of the Bill we have modified section 123 of the same Act so as to enable the Board or Commissioner to transfer a suit from a Court in one district to a Court in another district.

10. By section 58 of the Bill we have inserted in the same Act sections adapted from sections 205 to 208 of the North-Western Provinces Rent Act, 1881, and which provide power to refer to the Judicial Commissioner questions as to jurisdiction, and regulate the procedure to be followed in cases in which objections are raised as to the jurisdiction of the Court in which a suit is instituted.

11. We have amended section 53 of the Bill as introduced (now section 61), which provided that, subject to the orders of the Lieutenant-Governor and Chief Commissioner, the Board of Revenue might sit in any place in the North-Western Provinces or Oudh. Having regard to the large extent of jurisdiction in both revenue and judicial matters which the Board will now have to exercise, we consider that the Lieutenant-Governor should appoint the place or places at which the Board shall sit.

12. We have made a few minor amendments in the Bill which do not require explanation.

13. The publication ordered by the Council has been made as follows:—

<i>In English.</i>		
<i>Gazette.</i>		<i>Date.</i>
Gazette of India		26th July, 1890.
North-Western Provinces and Oudh Government Gazette		2nd August, 1890.
<i>In the Vernacular.</i>		
<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
North-Western Provinces and Oudh	Urdu	23rd August, 1890.

14. The Bill is not, we consider, so altered as to require republication, and we recommend that it be passed as now amended.

R. J. CROSTHWAITE.  
ANDREW R. SCOBLE.  
C. A. ELLIOTT.  
PHIL. P. HUTCHINS.

*The 1st October, 1890.*

*Note.*—The portions in italics in the Bill as amended denote new matter.

## No. II.

### THE NORTH-WESTERN PROVINCES AND OUDH BILL, 1890.

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## No. II.

*A Bill to provide for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh.*

WHEREAS it is expedient to provide for the better administration of the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh, and for that purpose to amend certain enactments which are in force in the said Provinces and in Oudh; It is hereby enacted as follows:—

1. This Act may be called the North-Western Provinces and Oudh Act, 1890.

## PART I.

## THE NORTH-WESTERN PROVINCES.

2. This Part shall come into force on such Commencement of day as the said Lieutenant-Governor may, by notification in the official Gazette, direct.

3. After section 9 of the North-Western Provinces Land-revenue Act, 1873, the following shall be inserted, namely:—

"9A. The Board may transfer any case or class of cases from any Revenue Court to any other Revenue Court competent in respect of the case or class of cases to deal therewith."

4. For section 14 of the North-Western Provinces Land-revenue Act, 1873, the following shall be substituted, namely:—

"14. (1). The Local Government may from time to time create new, or abolish existing, tahsils, and alter the limits of any division, district or tahsil,

*The North-Western Provinces and Oudh Bill, 1890.**(Part I.—The North-Western Provinces.—Sections 5-9.)*

and may divide any district into sub-divisions, and from time to time alter the limits of the sub-divisions, and may from time to time, with the previous sanction of the Governor General in Council, create new, or abolish existing, divisions or districts.

(2) All existing tahsils shall be deemed to be sub-divisions of districts."

And whereas it has been determined to annex the Jhānsi Division, comprising the districts of Jhānsi, Jalaun and Lalatpur, to the Allahabad Division;

And whereas the said Jhānsi Division is a scheduled district under the Scheduled Districts Act, 1874;

And whereas it is expedient that the law in force in the said division should, on such annexation, be the same as the law in force in the temporarily-settled districts comprised in the Allahabad Division, and that the said division should cease to be a scheduled district;

It is hereby enacted as follows:—

5. (1) All enactments which shall on the day when this Part comes into force be in force in the said temporarily-settled districts and not in the said Jhānsi division shall be deemed to come into force in that division on and from the said day.

(2) Except the Jhānsi Encumbered Estates Act, 1882, and the Jhānsi and Morar Act, 1886, all enactments which shall on the said day be in force in the said division and not in the said temporarily-settled districts, including the Jhānsi Courts Act, 1867, and Act No. XXVII of 1867, shall be deemed to be repealed on and from the said day in the said division.

6. (1) In the preamble and in section 3 of the Jhānsi Encumbered Estates Act, 1882, for the words "the Jhānsi Division" there shall be substituted the words "the territory now comprised in the districts of Jhānsi, Jalaun and Lalatpur"; for the words "the Commissioner of the Jhānsi Division" wherever they occur, there shall be substituted the words "the Commissioner of the Allahabad Division"; and for the words "the Deputy Commissioner", wherever they occur, the words "the Collector" shall be substituted.

(2) All proceedings pending on the said day under the said Act before the Commissioner of the Jhānsi Division shall be disposed of by the Commissioner of the Allahabad Division.

7. The functions assigned to the Deputy Commissioner and the Commissioner by the Jhānsi and Morar Act, 1886, shall be discharged by the District Judge and the High Court respectively, and references to Courts in the Jhānsi District subordinate to the Commissioner shall be deemed to apply to the Civil Courts established in that district under the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887.

8. (1) On and from the said day the said Jhānsi Division shall cease to be a scheduled district, and in Part IV of the first sched-

ule to the Scheduled Districts Act, 1874, and in Part IV of the sixth schedule to the Laws Local Extent Act, 1874, the words "the Jhānsi Division, comprising the Districts of Jhānsi, Jalaun and Lalatpur," shall be repealed.

(2) Section 4 of the Jhānsi and Morar Act, XVII of 1886, and the last paragraph of the preamble to Part I of that Act, ending with the words "the Jhānsi District", shall also be repealed.

9. (1) In section 1, sub-section (2), of the Application of Act Bengal, North-Western XII of 1887 to Jhānsi Provinces and Assam Civil and disposal of pending Courts Act, 1887, the words "and except the Jhānsi Division" shall be repealed.

(2) All cases or proceedings pending in any Civil Court in the said division on the said day shall be disposed of as follows:—

(a) if pending in the Court of a Tahsildar or of an Assistant Commissioner of the second class—by the Munsif;

(b) if pending in the Court of an Assistant Commissioner of the first class—by the Subordinate Judge;

(c) if pending in the Court of a Deputy Commissioner—by the District Judge;

(d) if pending in the Court of the Commissioner—by the District Judge, unless the case pending is an appeal from a decree or order of the Deputy Commissioner, in which case the appeal shall be disposed of by the High Court.

(3) For the purposes of sections 20 to 22, both inclusive, of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, all decrees and orders passed by Civil Courts in the said division and not appealed against before the said day shall be deemed—

(a) if passed by the Court of a Tahsildar or an Assistant Commissioner of the second class—to have been passed by a Munsif;

(b) if passed by the Court of an Assistant Commissioner of the first class—to have been passed by a Subordinate Judge;

(c) if passed by the Court of a Deputy Commissioner or the Commissioner—to have been passed by a District Judge.

(4) Where any Civil Court ceases by reason of the passing of this Act to have jurisdiction with respect to any case, any proceeding in relation to that case, which, if that Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court to which the business of the former Court is transferred by sub-section (2); but this sub-section shall not apply to cases for which provision is made in section 623 or section 649 of the Code of Civil Procedure.

(5) In the case of appeals from the decrees and orders mentioned in sub-section (3) the period of limitation shall be calculated in accordance with the provisions of section 15 of the Jhānsi Courts Act, 1867, as though this Act had not been passed.

*The North-Western Provinces and Oudh Bill, 1890.**(Part II.—Oudh.—Sections 10-21.)*

## PART II.

## OUDH.

10. This Part shall come into force on such day as the Chief Commissioner of Oudh may, by notification in the official Gazette, direct.

11. (1) On and from the day on which this Part comes into force the Board of Revenue constituted under the North-Western Provinces Land-revenue Act, 1873, shall be deemed to be also the Board of Revenue for the territories administered by the Chief Commissioner of Oudh, and shall be known and designated as the Board of Revenue of the North-Western Provinces and Oudh.

(2) All references made in any enactment as amended by this Part to the Board of Revenue shall be deemed, so far as they relate to Oudh, to refer to the said Board.

(3) In any enactment for the time being in force in the territories administered by the Chief Commissioner of Oudh, in which the expression "Chief Revenue-authority" or "Chief Controlling Revenue-authority" is used, the expression shall, subject to the provisions of any enactment passed after the said day, be construed, so far as the said territories are concerned, as referring to the Board of Revenue of the North-Western Provinces and Oudh.

12. To section 2 of the Oudh Land-revenue Act, 1876, the following shall be added, namely:—

" 'Board' means the Board of Revenue."

13. (1) In section 3 of the same Act, for the words "the Chief Commissioner" there shall be substituted the words "the Board, subject to the control of the Chief Commissioner".

(2) To the same section the following shall be added, namely:—

" Sections 6 to 10, both inclusive, of the North-Western Provinces Land-revenue Act, 1873, shall, so far as may be, apply to the Board when exercising jurisdiction with respect to Oudh."

14. After section 4 of the same Act the following shall be inserted, namely:—

" 4A. (1) The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a division.

(2) An Additional Commissioner shall hold his office during the pleasure of the Chief Commissioner.

(3) An Additional Commissioner shall exercise such powers, and perform such duties, of the Commissioner of a division under this Act, or under any other law for the time being in force, as the Chief Commissioner may, from time to time, prescribe, but only in such cases as the Commissioner of the division may direct.

(4) This Act and every other law for the time being applicable to the Commissioner of the division shall apply to the Additional Commissioner when exercising any powers or performing any duties under sub-section (3), as if he were the Commissioner of the division.

4B. (1) The Chief Commissioner may from time to time create new, or abolish existing, tahsils, and alter the limits of any division, district or tahsil, and may divide any district into sub-divisions, and from time to time alter the limits of the sub-divisions, and may from time to time, with the previous sanction of the Governor General in Council, create new, or abolish existing, divisions or districts.

(2) All existing tahsils shall be deemed to be sub-divisions of districts."

15. For the words "Chief Commissioner", wherever they occur in sections 4 (a), 28, &c., Act XVII of 1876, section 4, clause (a), sections 28, 29, 30, 35, 46, 70, 85 and 184 of the same Act, the word "Board" shall be substituted.

New section substituted for section 13, Act XVII of 1876.

16. For section 13 of the same Act the following shall be substituted, namely:—

" 13. Tahsildars shall be appointed by the Board subject to such rules as to qualification or otherwise as the Board, with the previous sanction of the Chief Commissioner, may from time to time make under section 220."

17. In section 14 of the same Act the words "with the like sanction" are repealed.

18. For the first fourteen words of section 16 of the same Act there shall be substituted the words "The Board shall, with the previous sanction of the Chief Commissioner," and for the words "The Chief Commissioner may" in the same section there shall be substituted the words "The Board may".

19. In section 32 of the same Act after the words "the Commissioner of the division" the words "and the Board" shall be inserted.

20. In section 39 of the same Act there shall be substituted for the words "as the Chief Commissioner may direct", wherever they occur, the words "as the Board or, in the case of a taluqdar, the Chief Commissioner may direct", and for the words "to the Chief Commissioner" the words "to the Board".

21. (1) For section 43 of the same Act the following shall be substituted, namely:—

" 43. Every settlement shall be made subject to confirmation by the Chief Commissioner:

Provided that, in the case of settlements of individual mahals or parts of mahals undertaken at other times than at the general settlement and sanctioned by the Board, such confirmation shall not be necessary."

*The North-Western Provinces and Oudh Bill, 1890.**(Part II.—Oudh.—Sections 22-35.)*

(2) The second paragraph of section 4 of Act XIV of 1878 is repealed.

22. In sections 44 and 45 of the same Act for the words "Governor General in Council" the words "Chief Commissioner" shall be substituted.

23. For the words "Chief Commissioner" wherever they occur in sections 56, 58, 59, 62, 66, 67, 109 and 220 of the same Act, the words "Board, with the previous sanction of the Chief Commissioner," shall be substituted.

24. In section 115 of the same Act for the words "such officer as the time to time empowers in this behalf" there shall be substituted the words "such officer as the Board from time to time empowers in this behalf either by name or by virtue of his office".

25. In section 124 of the same Act for the words "to the Chief Commissioner, and the Chief Commissioner" the words "to the Board, and the Board, or, in the case of a taluq or part of a taluq, the Chief Commissioner" shall be substituted.

26. For the words "the Chief Commissioner" the words "the Board or, in the case of a taluq or part of a taluq, the Chief Commissioner" shall be substituted in the following sections of the same Act, namely:— in sections 125 and 131, wherever the words "the Chief Commissioner" occur, in section 132, where the words first occur, and in section 136.

27. In section 158 of the same Act there shall be substituted for the words "by the Chief Commissioner" the words "by the Board", and for the words "to the Chief Commissioner, and the Chief Commissioner may thereupon annul the existing sub-settlement of such mahál or pattí for such period (not exceeding fifteen years) as he thinks fit," the words "to the Board, and the Board may thereupon annul the existing sub-settlement of such mahál or pattí for such period (not exceeding fifteen years) as it thinks fit."

28. (1) For the first thirty words of section 161 of the same Act there shall be substituted the words "The Board shall be the Court of Wards".

29. For section 163 of the same Act the following shall be substituted, namely:—

"163. (1) The Deputy Commissioner shall from time to time inquire whether there are in his district any persons disqualified within the meaning of section 162, and shall report to the Court of Wards the case of any person who is in his opinion so disqualified."

(2) On receipt of the report the Court of Wards shall make such order in the case as it thinks fit.

(3) Nothing in this section shall prevent the Chief Commissioner or the Court of Wards from putting the provisions of this chapter in force without any report from the Deputy Commissioner."

30. In section 176 of the same Act for the words "the Court of Wards" the words "the Deputy Commissioner of the district in which the suit is brought, or by and in the name of such officer as the Court of Wards may appoint in this behalf" shall be substituted.

31. After section 177 of the same Act the following section shall be inserted, namely:—

"177A. The Court of Wards may exercise all or any of the powers conferred on it by this Act through the Deputy Commissioners of the districts in which any part of the property of its wards maybe situated or through any other person whom it may appoint for such purpose."

32. For section 190 of the same Act the following shall be substituted, namely:—

"190. The Board and every Commissioner may call for the file of any proceeding held by any officer subordinate to it or him respectively, and may pass such orders thereon as it or he thinks fit."

33. In section 191 of the same Act there shall be substituted for the words "Chief Commissioner" the word "Board" and for the words "refer any dispute before him" the words "refer any dispute before it or him".

34. For the first two paragraphs of section 217 of the same Act the following shall be substituted, namely:—

"The Board and any officer mentioned in the last preceding section may summon any person whose attendance it or he considers necessary for the purpose of any investigation, suit or other business before it or him."

All persons so summoned shall be bound to attend, either in person or by authorized agent, as the Board or such officer may direct."

35. The second paragraph of section 5 of Act XIV of 1878 and the whole of section 45 of the Oudh Laws Act, 1876, are hereby repealed, and in the third column of Part I of the second schedule to the same Act there shall be omitted the words "for 'Board of Revenue' read 'Chief Commissioner'" in the modification of section 3 of Regulation XXXIII of 1803, and the words "and for 'Board of Revenue' read 'Chief Commissioner'" in the modification of section 5 of Regulation XI of 1806.

*The North-Western-Provinces and Oudh Bill, 1890.**(Part II.—Oudh.—Sections 36-48.)*

- IV of 1878. 36. In section 9 of the Oudh Local Rates Act, 1878, for the words "Chief Commissioner" the words "Board of Revenue" shall be substituted.
- Amendment of section 9, Act IV of 1878.
- I of 1879. 37. In section 3, clause (7), of the Indian Stamp Act, 1879, and in section 7 of the Destruction of Records Act, 1879, after the words "the North-Western Provinces" the words "and the Chief Commissioner of Oudh" shall be inserted.
- Amendment of section 3 (7), Act I of 1879, and section 7, Act III of 1879.
- III of 1879.
- XIII of 1879. 38. In section 17 of the Oudh Civil Courts Act, 1879, after the words "Civil Procedure, section fifteen" there shall be inserted the words "and of any other enactment for the time being in force"; and there shall be substituted for the words "five hundred rupees" in clause (c) of the same section the words "one thousand rupees", and for the proviso to the same section the following, namely:—
- Amendment of section 17, Act XIII of 1879.
- "The Local Government may, from time to time, on the recommendation of the Judicial Commissioner, direct, by notification in the official Gazette,—
- (a) with respect to any Munsif named therein, that his jurisdiction shall extend, subject as aforesaid, to all suits of such value, not exceeding two thousand rupees, as may be specified in the notification, or
- (b) with respect to any Subordinate Judge named therein, that his jurisdiction shall extend, subject as aforesaid, to all original suits cognizable by the Civil Courts,
- and may, from time to time, by like notification, withdraw any jurisdiction so conferred."
39. For section 18 of the same Act the following shall be substituted,
- New section substituted for section 18, Act XIII of 1879.
- "18. (1) An appeal from a decree or order of a Subordinate Judge in an original suit or proceeding shall, when an appeal is allowed by law, lie—
- Appeals from decrees and orders of Subordinate Judges and Munsifs.
- (a) to the District Judge where the value of the suit in which, or in any proceeding arising out of which, the decree or order was made did not exceed five thousand rupees, and
- (b) to the Judicial Commissioner in any other case.
- (2) An appeal from a decree or order of a Munsif shall, when an appeal is allowed by law, lie to the District Judge.
- (3) The Judicial Commissioner may, from time to time, with the previous sanction of the Local Government, direct, by notification in the official Gazette, that appeals from all or any of the decrees or orders of any Munsif shall be preferred to such Subordinate Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly."
40. In section 24 of the same Act, for the words "fifty rupees" the words "one hundred rupees" shall be substituted.
- Amendment of section 24, Act XIII of 1879.
41. In section 27 of the same Act for the words "Judicial Commissioner" the words "District Judge" shall be substituted.
- Amendment of section 27, Act XIII of 1879.
42. (1) In section 3, clause (a), of the Excise Act 1881, after the words "the North-Western Provinces" the words "and the Chief Commissioner of Oudh" shall be inserted, and the word "Oudh" shall be omitted.
- Amendment of section 3, Act XXII of 1881.
- (2) In section 10 of the same Act the word "Oudh" shall be omitted.
43. (1) In section 3 of the Oudh Rent Act, 1886, after clause (1) there shall be inserted the following, namely:—
- Amendment of section 3, Act XXII of 1886.
- "(1A) 'Board' means the Board of Revenue."
- (2) For clause (13) of the same section the following shall be substituted, namely:—
- "(13) 'prescribed' means prescribed from time to time—
- (a) before the day on which Part II of the North-Western Provinces and Oudh Act, 1890, came into force, by the Chief Commissioner by rules under this Act; and
- (b) after that day, by the Board by rules made under this Act with the previous sanction of the Chief Commissioner."
44. In section 32, sub-section (2), of the same Act for the words "one month" the words "three months" shall be substituted.
- Amendment of section 32, Act XXII of 1886.
45. To section 108 of the same Act, before the words "Courts other than" there shall be prefixed the words "Except in the way of appeal as hereinafter provided,".
- Amendment of section 108, Act XXII of 1886.
46. In section 109, clause (5), of the same Act for the words "the Judicial Commissioner" the words "the Board" shall be substituted.
- Amendment of section 109, Act XXII of 1886.
47. In section 115, sub-section (1), of the same Act the words *from and inclusive of the words "and hear appeals" to the end of the sub-section* shall be repealed.
- Repeal of words in section 115, Act XXII of 1886.
- New section substituted for section 116, Act XXII of 1886.
48. For section 116 of the same Act the following shall be substituted, namely:—
- "116. Subject to the provisions of section 119 and of the Code of Civil Procedure as applied XIV of 1882 by this Act, an appeal shall lie from an original or appellate decree or order made under this Act, as follows, namely:—
- (a) to the Collector when the decree or order is made by an Assistant Collector of the second class;
- (5) to the Commissioner when the decree or order is made by a Collector or an Assistant Collector of the first class:
- Appeals to Courts of Revenue.



*The North-Western Provinces and Oudh Bill, 1890.**(Part II.—Oudh.—Sections 49-58.)*

(c) to the Board when the decree or order is made by a Commissioner :

Provided that, subject to the provisions of section 119, an appeal from an original decree or order of a Collector shall not lie except on the grounds mentioned in section 584 of the Code of Civil Procedure and that the decree or order made on that appeal shall be final."

Repeal of section 117, Act XXII of 1886. 49. Section 117 of the same Act shall be repealed.

Amendment of section 118, Act XXII of 1886. 50. In section 118, sub-section (1), clause (c), of the same Act for the words "to the Judicial Commissioner" the words "to the Board" shall be substituted.

New section substituted for section 119, Act XXII of 1886. 51. For section 119 of the same Act the following shall be substituted, namely :—

XIV of 1882. "119. Subject to the provisions of the Code of Civil Procedure as applied by this Act, an appeal shall lie from an original decree or order of a Collector or of an Assistant Collector of the first class in a suit of a description mentioned in clause (2), (9), sub-clause (a) or (b), (11), (15), (16), (17) or (18) of section 108, as follows, namely :—

- (a) to the District Judge, if the value of the suit does not exceed five thousand rupees ;  
(b) to the Judicial Commissioner, if the value of the suit exceeds five thousand rupees."

New sections inserted after section 119, Act XXII of 1886. 52. After section 119 of the same Act the following shall be inserted, namely :—

"119A. The rules for the time being in force in regard to the time within which appeals from the decrees and orders of Civil Courts may be received, and to the manner in which such appeals are heard and determined, and to all proceedings which may be had in respect of such appeals, shall be applicable to appeals under this Act to the District Judge or to the Judicial Commissioner.

119B. From the decrees passed under this Act in appeal by District Judges an appeal shall lie to the Judicial Commissioner

Second appeals.

XIV of 1889.  
XV of 1877.

in all cases in which a second appeal is allowed by the Code of Civil Procedure and subject to the provisions of the Indian Limitation Act, 1877.

119C. For the purpose of deciding appeals under this Act a District Judge and the Judicial Commissioner shall have the powers conferred on a Court by this Act."

53. All appeals pending when this Part comes into force from decrees or orders passed under the same Act shall be disposed of as if this Act had not been passed :

Provided that the Chief Commissioner may, by order, transfer to the District Judge any

appeals then pending before the Commissioner or Collector in cases in which the appeal will under the Oudh Rent Act, 1886, as amended XXII of 1886, by this Part, lie to the District Judge.

New section inserted after section 120, Act XXII of 1886. 54. After section 120 of the same Act the following shall be inserted, namely :—

"Review.

"120A. The Board may review and may rescind, alter or confirm any decree or order made by itself, or by a single member, on the application of one of the parties to the case, if preferred within ninety days from the passing of the decree or order."

Omission of words in section 122, Act XXII of 1886. 55. In section 122 of the same Act the words "Commissioner or" shall be omitted.

Amendment of section 123, Act XXII of 1886. 56. In section 123 of the same Act there shall be substituted for the words "The Judicial Commissioner" the words "The Board or the Commissioner", for the words "subordinate to him" the words "subordinate to the Board or the Commissioner," and for the words "competent to dispose of it" the words "competent as regards the nature of the case to dispose of it".

Amendment of section 124, Act XXII of 1886. 57. In section 124 of the same Act for the words "the Chief Commissioner" in each place where they occur the words "the Board" shall be substituted.

Sections inserted after section 124, Act XXII of 1886. 58. After section 124 of the same Act the following sections shall be inserted, namely :—

"124A. (1) If, in any suit instituted, or on any appeal presented, in a Civil Court, or in any Court of Revenue, the Judge or presiding officer doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the Judicial Commissioner.

(2) On any such reference being made, the Judicial Commissioner may order the Judge or presiding officer either to proceed with the case, or to return the plaint or appeal for presentation in such other Court as the Judicial Commissioner may in his order declare to be competent to take cognizance of the suit or appeal.

(3) The order of the Judicial Commissioner on any such reference shall be final, and shall not be questioned by the same parties in the same suit.

124B. In all suits instituted in any Civil Court or Court of Revenue, in which an appeal lies to the District Judge or the Judicial Commissioner, an objection that the suit was instituted in the wrong Court shall not be entertained by the Appellate Court, unless such objection was taken in the Court of first instance; but the Appellate Court shall

Procedure where objection that suit was instituted in wrong Court was not taken in Court of first instance.

[Act XII of 1881, s. 205.]



*The North-Western Provinces and Oudh Bill, 1890.**(Part II.—Oudh.—Section 59. Part III.—The North-Western Provinces and Oudh.—Sections 60-62.)*

dispose of the appeal as if the suit had been instituted in the right Court.

Act XII of 1881, s. 207.] 124C. If in any such suit such objection was taken in the Court of first instance, but the Appellate Court has before it all the materials necessary for the determination of the suit, it shall dispose of the appeal as if the suit had been instituted in the right Court.

Act XII of 1881, s. 208.] 124D. If in any such suit the Appellate Court has not before it the materials necessary for the determination of the suit, it shall proceed under the provisions of the

XXI of 1886. Code of Civil Procedure relating to appeals; but if it remands the suit, or frames and refers issues for trial, or requires additional evidence to be taken by the Court of first instance, it may direct its order either to the Court in which the suit was instituted, or to any other Court competent to entertain the suit,

and the objection that the order of a subordinate Appellate Court has been directed to a Court which was not competent to entertain the suit shall not be taken on second appeal."

59. In section 158 of the same Act there shall be substituted for the words "Chief Commissioner" in sub-sections (1) and (5) the words "Board, with the previous sanction of the Chief Commissioner," and for the words "The Chief Commissioner" in sub-sections

(2) and (4) the words "The Board", and for the word "his" in sub-section (2) the word "its".

## PART III.

## THE NORTH-WESTERN PROVINCES AND OUDH.

60. This Part shall come into force on such day as the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh may, by notification in the official Gazette, direct.

61. Notwithstanding anything in section 128 of the Oudh Rent Act, 1886, XXII of 1886. the Board of Revenue of the North-Western Provinces and Oudh shall sit in such place or places in the North-Western Provinces or Oudh as the said Lieutenant-Governor and Chief Commissioner may, by notification in the official Gazette, appoint either generally or in respect to a particular class or particular classes of cases.

62. For the second paragraph of section 4 of the North-Western Provinces Land-revenue Act, XIX of 1873. 1873, the following shall be substituted, namely:—

"The Board shall have the powers conferred by Chapter VII of this Act on Commissioners of divisions."

S. HARVEY JAMES,

Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the Indian Salt Act, 1882, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October 1890 :

We, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Salt Act, 1882, was referred, have considered the Bill and a letter from the Government of the Punjab,—Revenue and Agriculture (General),—No. 590, dated the 24th September, 1890, and beg now to submit this our Report, with the Bill as revised by us annexed thereto.

2. In the opinion of His Honour the Lieutenant-Governor the Bill suitably provides for the objects which it is intended to secure. We concur in that opinion and recommend that the Bill be passed with the verbal alteration which we have made in section 8B.

3. The publication ordered by the Council has been made as follows :

*In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India . . . . .	2nd August, 1890.
Fort Saint George Gazette . . . . .	26th September, 1890.
Bombay Government Gazette . . . . .	7th August, 1890.
Calcutta Gazette . . . . .	13th August, 1890.
North-Western Provinces and Oudh Government Gazette . . . . .	9th August, 1890.
Punjab Government Gazette . . . . .	7th August, 1890.
Central Provinces Gazette . . . . .	9th August, 1890.
Burma Gazette . . . . .	23rd August, 1890.
Assam Gazette . . . . .	16th August, 1890.
Coorg District Gazette . . . . .	1st September, 1890.
Sindh Official Gazette . . . . .	21st August, 1890.

*In the Vernaculars.*

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
North-Western Provinces and Oudh . . . . .	Urdu . . . . .	30th August, 1890.
Central Provinces . . . . .	Hindi . . . . .	20th August, 1890.
Assam . . . . .	Bengali . . . . .	6th September, 1890.
Sindh . . . . .	Sindhi . . . . .	28th August, 1890.

D. BARBOUR.  
ANDREW R. SCOBLE.  
BABA KHEM SINGH BEDI.

*The 1st October, 1890.*

## No. II.

*A Bill to amend the Indian Salt Act, 1882.*

**WHEREAS** it is expedient to amend the Indian Salt Act, 1882, for the purpose of regulating the traffic in Kohat salt in the Punjab; It is hereby enacted as follows :

**XII of 1882.** 1. To section 3 of the Indian Salt Act, 1882, Addition to section the following shall be added, namely :  
 3, Act XII, 1882. " 'Kohat salt' means salt produced in the district of Kohat in the Punjab."

2. After Chapter III of the said Act the following shall be inserted, namely :  
 Insertion of new Chapter IIIA after Chapter III, Act XII, 1882.

## "CHAPTER IIIA.

## INDUS PREVENTIVE LINE.

**8A. (1)** The Governor General in Council may, from time to time, by Power to define zones and establish chains of posts. rule,—

(a) define a zone of country not exceeding fifteen miles in breadth—

(i) along any portion of the river Indus and at such distance therefrom as he deems expedient, or

(ii) in any tract extending from that river to the western frontier of the Punjab,

(b) extend any such zone so as to include any ferry, or any portion of a railway, canal or navigable river entering the zone, or any place where goods are loaded or unloaded into wagons or boats for the purpose of entering or leaving the zone, and

(c) within such a zone establish a chain of posts extending along the zone.

(2) The establishment of a chain of posts under clause (c) of sub-section (1) shall be deemed to be a public purpose within the meaning of the Land Acquisition Act, 1870.

**8B.** When a zone has been defined and a chain of posts established under section 8A, the Governor General in Council may from time to time, by rule—

(a) prohibit any person, except upon such conditions as may be prescribed in the rule, from having in his possession any Kohat salt within the limits of the zone, and,

(b) so far as may be necessary for the prevention of the smuggling of Kohat salt across the chain of posts, control and regulate the passage of traffic across such chain, and provide for the searching of all persons and things crossing or being taken across such chain."

3. The following shall be added to section 25 of the said Act, namely :  
 Addition to section 25, Act XII, 1882.

"A Salt-revenue-officer shall not be deemed to search or detain any person, or to seize the moveable property of any person, vexatiously and unnecessarily within the meaning of clause (b) or clause (c) of the first paragraph of this section if the search is authorised by any rule under clause (b) of section 8B, and the detention or seizure is such as is necessary for the purposes of such search."

4. To section 27 of the said Act the following shall be added, namely :  
 Addition to section 27, Act XII, 1882.

"Nothing in this section shall be deemed to affect Chapter IIIA of this Act or any rule under that Chapter."

And whereas the Madras Salt Excise Act, Mad. VI of 1871, has been repealed by the Madras Salt Act, 1889, and section 31 of the Indian Salt Act, 1882, has become obsolete; It is hereby enacted as follows :

5. Section 31 of the Indian Salt Act, 1882, is hereby repealed.  
 Repeal of section 31, Act XII, 1882.

S. HARVEY JAMES,

Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October 1890:

No. 17 OF 1890.

*A Bill to amend the Code of Criminal Procedure, 1882.*

WHEREAS It is expedient to amend the Code of Criminal Procedure, 1882; It is hereby enacted as follows:

Repeal of section 250, Act X, 1882.

1. Section 250 of the said Code is hereby repealed.

Enactment of new section in place of repealed section 250, Act X, 1882.

2. To the said Code the following shall be added, namely:

"560. (1) If, in any case instituted by complaint or upon information, a person is accused before any Magistrate of any of the offences specified or referred to in clauses (a) to (d) of section 260, and the Magistrate discharges or acquits the accused and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may, in his discretion, by his order of discharge or acquittal, direct the person upon whose complaint or information the accusation was made to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit:

Provided that, before making any such direction, the Magistrate shall—

(a) call upon the complainant or informant to show cause why the compensation

which ought, in the opinion of the Magistrate, to be awarded should not be directed to be paid,

(b) record any objection which the complainant or informant may urge against the making of the direction, and,

(c) if the Magistrate directs any compensation to be paid, state in writing, in his order of discharge or acquittal, his reasons for awarding the compensation.

(2) Compensation of which a Magistrate has ordered payment under sub-section (1) shall be recoverable as if it were a fine:

Provided that, if it cannot be recovered, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

(3) A complainant or informant who has been ordered under sub-section (1) by a Magistrate of the second or third class to pay compensation to an accused person may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(4) Where an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (3), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided.

(5) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any compensation paid or recovered under this section.

3. The words "or complained against" in the second paragraph of section 552 of the said Code are hereby repealed.

Repeal of part of section 552, Act X, 1882.

**STATEMENT OF OBJECTS AND REASONS.**

THE principal object of this Bill is to apply provisions similar to those in section 250 of the Code of Criminal Procedure, 1882, to certain cases instituted otherwise than by complaint. It is proposed by the Bill, in accordance with a suggestion originally made by the Hon'ble Judges of the High Court of Judicature for the North-Western Provinces, to authorise any Magistrate, in any case in which a person accused before him of any offence triable summarily under Chapter XXII of the Code is discharged or acquitted, to direct the payment by the accuser to the accused of compensation not exceeding fifty rupees, if the Magistrate is satisfied that the accusation was frivolous or vexatious. Before directing the payment the Magistrate is to hear and record anything which the accuser may have to say against the direction being made; and, if the direction is made by a Magistrate of the second or third class, an appeal is to lie therefrom to the District Magistrate or such competent subordinate Magistrate of the first class as is referred to in section 407 of the Code.

*The 1st October, 1890.*

ANDREW R. SCOBLE.

S. HARVEY JAMES,

*Secretary to the Government of India.*



# The Gazette of India.

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SIMLA, SATURDAY, OCTOBER 18, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th October 1890 :

NO. 18 OF 1890.

*A Bill to repeal certain Obsolete Enactments and to amend certain other Enactments.*

[Preambles to Act XII of 1876; 51 Vict., c. 3, s. 57; 53 & 54 Vict., c. 33; 55, c. 51.] WHEREAS it is expedient that certain enactments specified in the first schedule to this Act which are superfluous or spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed ;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Repealing and Amending Act, 1891.

Title, extent and commencement.

- (2) Save in so far as it applies expressly or by necessary implication to particular territory only, it extends to the whole of British India, inclusive of Upper Burma and British Baluchistan ; and

- (3) It shall come into force at once.

2. (1) The enactments specified in the first [Act XII, 1876, s. 1.] schedule are hereby repealed

Enactments in schedule repealed and amended respectively. to the extent mentioned in the fourth column thereof.

- (2) The enactments specified in the second [Act XVIII, 1888, s. 7.] schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

3. The repeal by this Act of any enactment [Act XII, 1876, s. 1; 51 Vict., c. 3, s. 1 (2); 53, c. 57, s. 1; 52 & 53 Vict., c. 24, s. 2; 53 & 54 Vict., c. 33, s. 3; 55, c. 51, s. 1.] shall not affect any Statute, Act or Regulation in which

Savings.

such enactment has been applied, incorporated or referred to ;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing ;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course

of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

## THE FIRST SCHEDULE.

## ENACTMENTS REPEALED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

## Part I.—Acts of the Governor General in Council.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1836	XXVI	Camp Police ...	So much as has not been repealed.	Obsolete.
1838	V	Bengal Bonded Warehouse.	<i>The words</i> And it is hereby enacted that, <i>wherever they occur.</i>	Surplusage.
			In sections 3, 5, 7, 8, 9, 10, 17, 18, 20, 22, 23, 24 and 27, <i>the word that wherever it occurs after the word and.</i>	
			In section 31, <i>the word that where it occurs after the word but.</i>	
"	XXV	Wills ...	In sections 2 to 5, 7 to 29, and 31, <i>the words</i> And it is hereby enacted that.	Surplusage. [The proposed repeals follow those made in 7 Wm. IV and 1 Vict., c. 26, by 51 & 52 Vict., c. 57.]
			In section 6, <i>the words</i> and it is hereby enacted.	
			In sections 8 and 31, <i>the word that, wherever it occurs.</i>	
			In section 4, <i>the word that, where it occurs before the words the power.</i>	
			Section 30 ...	This section saves Act XX of 1837 (Immovable Property, Straits Settlements) which is not in force either in British India or in the Straits.
1839	XXIV	Ganjam and Vizagapatam.	In section 7, <i>the word</i> fourth.	Mad. Reg. II of 1819, s. 4, is repealed by Act XVI of 1874.



THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1839	XXVII	Execution by the Court of Requests, Calcutta, of decrees of Courts of 24-Pergunnahs.	The whole ...	Obsolete.
"	XXIX	Dower ...	<p>In sections 2 to 10 and 12 to 14, <i>the words</i> And it is hereby further enacted that.</p> <p>In section 11, <i>the words</i> and it is hereby further enacted.</p> <p>In section 15, <i>the words</i> And it is hereby.</p> <p>Section 18 ...</p>	<p>Surplusage. [The proposed repeals follow those made in 3 &amp; 4 Wm. IV, c. 105, by 51 &amp; 52 Vict., c. 57.]</p> <p>Obsolete. [The corresponding section (18) in 3 &amp; 4 Wm. IV, c. 105, is repealed by 51 &amp; 52 Vict., c. 57.]</p>
"	XXX	Inheritance ...	<p><i>The words</i> And it is hereby further enacted that and And it is hereby further enacted and declared that, <i>wherever they occur.</i></p> <p>In section 7, <i>the words</i> also that and <i>the word</i> that.</p> <p>In section 13, <i>the words</i> And it is hereby.</p>	<p>Surplusage. [The proposed repeals follow those made in 3 &amp; 4 Wm. IV, c. 105, by 51 &amp; 52 Vict., c. 57.]</p>
1840	X	Temple of Jagannath.	In the title, <i>the words</i> and for the superintendence of the Temple of Jagannath.	Obsolete, since the repeal of s. 2 by Act XIV of 1882, s. 539.
1841	X	Registration of Ships.	In section 17, <i>the word</i> that in both places in which it occurs after the word and.	Necessitated by the repeal of the words "And it is hereby enacted that" by Act XVI of 1874.
"	XXIV	Illusory appointments, &c.	So much as has not been repealed.	Obsolete.

## THE FIRST SCHEDULE—contd.

## Part I.—Acts of the Governor General in Council—contd.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1842	IX	Lease and Release	So far as it has not been repealed.	Obsolete.
1844	VI	Land-customs, Madras.	In the title, <i>the word abolishing, the words transit or and the words for revising the duties on imports and exports by sea, and for determining the price at which salt shall be sold for home consumption.</i>	These words refer to sections which have been repealed—see Madras Code, Ed. 1888, pp. 119, 121, 122.
1846	I	Pleaders	In section 6, <i>the words and figures</i> Section 25, Regulation XXVII, 1814, of the Bengal Code; Section 25, Regulation XIV, 1816, of the Madras Code; and.  In section 13, <i>the numerals</i> VII.	Ban. Reg. XXVII of 1814 is repealed by Act XVI of 1874, but the reference to the Regulation in s. 7 of Act I of 1846 is saved by the proviso to Act XVI of 1874. Act I of 1846 is, however, itself repealed in Bengal by Act XVIII of 1879, s. 42. The reference to Ban. Reg. XXVII of 1814, s. 25, in Act I of 1846, ss. 6, 7, is therefore obsolete. Mad. Reg. XIV of 1816 is repealed by Mad. Act II of 1882. Mad. Reg. VII of 1816 is repealed by Act III of 1873, which does not save references. This reference is therefore obsolete.
1847	IX	Assessment of new lands.	In section 1, <i>the words and that all such investigations pending before the Collectors and Deputy Collectors in the said Provinces at the said date shall forthwith be discontinued.</i>	Spent.
1848	X	Mandvee	So much as has not been repealed.	Repealed in part by Acts XV of 1874 and X of 1876. Only the title remains unrepealed.
"	XVIII	Nawáb of Surat.	Section 2	Obsolete.

THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.* \*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1850	XX	Boundaries, Tributary Mahals in Cuttack.	The whole ...	These Mahals are not British territory.
"	XXV	Forfeited deposits	In the title, <i>the words and figures</i> and Act IV, 1846.  In the preamble, <i>the words and judgment-debtors, the words and figures</i> and in Section V, Act IV, 1846, and <i>the words</i> in execution of decrees or.	Act IV of 1846 is repealed by Act XII of 1873. The repeals proposed were virtually made by Act X of 1861. If made specifically as now proposed, the matter in question can be removed from the Bengal Code, Vol. I, pp. 284, 285.
"	XXXIV	State Prisoners...	Section 3 ...	Obsolete.
1853	VI	Summary suits for arrears of rent, &c.	In the preamble, <i>the words and figures</i> from and where it is expedient to Act VIII, 1835, and <i>the words</i> from and to prevent to wrong district.	Obsolete. This matter refers to ss. 9 and 10, which are repealed.
"	VIII	Colaba ...	So much as has not been repealed.	Repealed in part by Acts XV of 1874 and X of 1876. Only the title remains unrepealed.
"	XIX	Evidence ...	In section 26, <i>the words</i> in addition to any proceedings under this Act.	Obsolete. The sections referred to are repealed.
1854	XX	Chutiá Nagpur...	The whole ...	This Act causes doubt as to whether the Chutiá Nagpur Division is de-regulationised. The Government of Bengal agree to its repeal (letter dated 14th Dec., 1888).
1855	X	Witnesses ...	In the title, <i>the words and figures</i> and to amend the provisions of Section XL, Act XIX of 1853.	Obsolete.

THE FIRST SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1855	XXIV	Penal Servitude.	In the title, <i>the words</i> and to amend the law relating to the removal of such convicts. In the preamble, <i>the words</i> and to amend the law relating to the removal of European and American convicts for the purpose of imprisonment.	Obsolete. S. 8, relating to removals, is repealed by Act XII of 1867.
"	XXXVII	Sonthal Districts.	In section 1, clause 1, <i>the words</i> extend to or affect any case now pending in any Court, nor.	Pending cases. Obsolete.
1856	XII	Civil Court Amins.	In the preamble, <i>the words and figures from and whereas</i> to other agency.  Section 10, <i>from When ever to the end.</i>	The Regulation referred to in the preamble is repealed. It seems unnecessary to retain the portion of the preamble proposed for repeal. The sections of the Act say nothing about Munsifs.  Obsolete. This portion of s. 10 depends on s. 7, which is repealed by Act X of 1861.
"	XIII	Police	In section 1, <i>the words and figures from Sections XXII to the end.</i>  In section 2, definition of "Local Government," <i>the words</i> in the possession and, <i>the words</i> the East, and <i>the word</i> Company.  In section 3, <i>the words and figure</i> except as is otherwise provided by Section I of this Act.  Form B in the schedule of Forms.	Superseded by Mad. Act VIII of 1867, s. 81.  Obsolete. [Cf. repeal of similar words in Act XXIV of 1855, s. 1, by Acts XVI of 1874 and XII of 1876.]  S. 1 is partially repealed, and the residue is proposed for repeal <i>supra</i> .  Obsolete. The section (110) prescribing this Form is repealed by Act IV of 1877.

## THE FIRST SCHEDULE—contd.

## Part I.—Acts of the Governor General in Council—contd.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1856	XVIII	Collector of Calcutta.	In the preamble, <i>the words</i> should have charge of the collection of the stamp-duty with- in the town of Calcutta, and that he.  Section 1  In section 3, <i>the words and figures</i> the said Regulation, or under Act XI of 1849 or.	This repeal was virtually made by Act XVIII of 1869. If made specifi- cally as now proposed, the matter in question can be removed from the Bengal Code, Vol. I, p. 305.  Obsolete. The Regulations mentioned are repealed by Act XXXVI of 1860.  The reference to Ben. Reg. XII of 1826 is obsolete, Act XVIII of 1856 having been re- pealed as to stamp-duty by Act XVIII of 1869. The reference to Act XI of 1849 is obsolete.
"	XX	Chaukidárs ...	Section 60	Obsolete. The Act is re- pealed in the rest of Ben- gal by Ben. Act V of 1870.
"	XXII	Tolls, Karatoyá River.	In section 5, <i>the words and figures</i> Regulation I of 1824, or of.	Obsolete. Ben. Reg. I of 1824 is repealed by Act VIII of 1868.
1857	II	Calcutta Univer- sity.	In section 1, <i>the words</i> in the possession and, <i>the words</i> the East, and <i>the word</i> Company.	Obsolete. [See note opposite Act XIII of 1856, s. 2, <i>supra</i> , p. 7.]
"	IV	Tobacco, Bombay Town.	Section 2, <i>from</i> and such duty <i>to the end</i> .  Section 5, <i>from</i> The im- port-duty <i>to the end</i> .	Obsolete. Refers to cus- toms import-duty on to- bacco, which is abolished.
"	XIII	Opium ...	In the preamble, <i>the words</i> that certain obso- lete Regulations relat- ing to the provision of opium should be form- ally repealed, and.	Refers to s. 1, which is re- pealed by Act XIV of 1870.

THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1857	XXI	Howrah ...	Section 54, the second proviso. Section 58 ...	Obsolete, s. 49 having been repealed by Ben. Act V of 1876. Spent. [Act XXI of 1841 is repealed by Act XVII of 1862.]
"	XXII	Bombay University.	In section 1, <i>the words in the possession and, the words the East, and the word Company.</i>	Obsolete. [See note opposite Act XIII of 1856, s. 2, <i>supra</i> , p. 7.]
"	XXV	Forfeiture of property.	In the title, <i>the words to render officers and soldiers in the Native Army liable to forfeiture of property for mutiny and.</i> In the preamble, <i>the words to render officers and soldiers in the Native Army, who shall be convicted of mutiny, subject to the forfeiture of all their property, and.</i>	Obsolete. S. 1, to which these words referred, is repealed by Act V of 1869, Part I (c).
"	XXVII	Madras University.	In section 1, <i>the words in the possession and, the words the East, and the word Company.</i>	Obsolete. [See note opposite Act XIII of 1856, s. 2, <i>supra</i> , p. 7.]
1858	III	State Prisoners...	Section 4 ...	Obsolete.
1859	IX	Claims to property seized as forfeited.	In the preamble, <i>the words from to make provision to also expedient.</i>	Obsolete. Ss. 1-15, to which these words refer, are repealed by Act VIII of 1868.
"	X	Rent ...	The schedule, Forms E and F.	Referred to only in s. 486, which is repealed by Ben. Act VI of 1862.
"	XI	Sales of land for arrears of revenue.	Section 4 ...	Refers to Sylhet only, where the Act is repealed by Reg. I of 1866.

## THE FIRST SCHEDULE—contd.

## Part I.—Acts of the Governor General in Council—contd.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1859	XI—contd.	Sales of land for arrears of revenue.	In section 53, the words and figures sharers in estates under butwarah who may have saved their shares from sale under Sections XXXIII and XXXIV, Regulation XIX, 1814, and.	Obsolete. Ben. Reg. XIX of 1814 is repealed by Ben. Act VIII of 1876, which does not save reference.
1860	XIV	King of Oudh ...	The whole ...	Obsolete.
"	XXII	Hill Tracts of Chittagong.	Section 1, the proviso ...	Pending cases. Obsolete.
"	XXIII	Amending Act XXI of 1856 (Ahkari).	The whole Act, so far as it applies to Assam.	Act XXI of 1856 is repealed in Bengal and Assam by Ben. Act VII of 1878, and elsewhere by Act X of 1871. Act XXIII of 1860 is repealed in Bengal by Ben. Act II of 1876, and elsewhere (except in Assam) by Act X of 1871. It is superseded in Assam by Ben. Act VII of 1878.
"	XLV	Indian Penal Code.	<p>In section 1, the words and figures on and from the first day of May, 1861.</p> <p>In sections 2 and 4, the words and figures on or after the said first day of May, 1861.</p> <p>In sections 1 and 15, the words except the Settlement of Prince of Wales' Island, Singapore and Malacca.</p> <p>In section 410, the word the, where it occurs after the word which.</p>	<p>This date was altered by Act VI of 1861, but that Act is repealed by Act VIII of 1863. The repeal of the words mentioned in column 4 (which are spent) will remove the awkwardness thus arising.</p> <p>The Straits no longer form part of British India.</p> <p>Act VIII of 1882, s. 9, repealed the words "offence of", but should have repealed the whole phrase "the offence of".</p>

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1862	VIII	King of Oudh ...	So much as has not been repealed.	Expired—see s. 10.
1863	XVI	Spirits used in Manufactures, &c.	Section 8 ...	Act III of 1852 is repealed by Bom. Act V of 1878 (which has been brought into force in the whole of the Presidency of Bombay—see Bombay Government Gazette, 1878, Part I, page 708), and references to Act III of 1852 are not saved. Act XVI of 1863, s. 8, is therefore obsolete.
1864	XVII	Official Trustees	Section 3 ...	Obsolete.  Repealed in Bombay, Bengal, the N.-W. Provinces, the Punjab (except the Hazara District), Oudh, the Central Provinces, Assam and Coorg, by Act VII of 1878, and in Lower Burma by Act XIX of 1881. Not in force in the Sonthal Pergunnahs—see Rega. III of 1872 and III of 1886, Soli. For the Hazara District, Madras, Ajmere-Merwara, Upper Burma and British Baluchistan there are special forest laws ( <i>vis.</i> , Reg. II of 1879, Mad. Act V of 1882, Reg. VI of 1874, Reg. VI of 1887 and Reg. V of 1890), and Act VII of 1865 is not likely to be required for these places. The only places in which Act VII of 1865 can now be in force are the Andamans and the Pargana of Manipur (see s. 18), and the Act does not seem to be in practical operation in either of these places.
1865	VII	Government Forests Act, 1865.	The whole Act, so far as it has not been repealed by the Indian Forest Act, 1878, and the Lower Burma Forest Act, 1881.	



THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1865	VII— <i>could.</i>	Government Forests Act, 1865.	.....	[Act VII of 1865 was in 1876 declared in force in the N.-W. P. Tarai Parganas, under section 3 of the Scheduled Districts Act (N.-W. P. Code, Ed.) 1886, page 549; but this declaration is superseded by Act VII of 1878, s. 1, which Act does not appear to be barred by Reg. IV of 1876.]
"	X	Indian Succession Act, 1865.	In section 3, <i>the words</i> other than the Settlement of Prince of Wales' Island, Singapore and Malacca.	The Straits no longer form part of British India.
1866	XXI	Native Converts' Marriage Dissolution Act, 1866.	In section 35, <i>the words</i> except the Settlement of Prince of Wales' Island, Singapore and Malacca.	The Straits no longer form part of British India.
"	XXV	Transfer to Government of deposits in High Courts.	In the first schedule, <i>the words</i> Rs. two.  In the preamble, <i>the words</i> or in the late Supreme Courts at Calcutta, Madras and Bombay, respectively, and <i>the words</i> now or hereafter.  In section 1, <i>the words</i> or of the late Supreme Courts of Calcutta, Madras and Bombay, and <i>the words</i> now or hereafter.	The fee is now Rs. 5—see Act VII of 1870, Sch. II, Art. 14.  The references to the Supreme Courts are obsolete, more than 20 years having elapsed since those Courts ceased to exist. The words "now or hereafter" are surplusage.
1867	XXII	Sarais Act, 1867...	Section 1	... Repealing Ben. Reg. XIV of 1807 in part. Spent. [Ben. Reg. XIV of 1807 is entirely repealed by Act XXIX of 1871.]

THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1867	XXII— <i>contd.</i>	Saris Act, 1867.	In section 17, <i>the words</i> and the Settlement of Prince of Wales' Island, Singapore and Malacca.	The Straits no longer form part of British India.
"	XXIII	Murderous Outrages, Punjab.	Section 17 ...	Virtually repealed by Act IX of 1877.
"	XXV	Printing Presses and Books.	In section 1, <i>the words</i> other than the Settlement of Prince of Wales' Island, Singapore and Malacca.	The Straits no longer form part of British India.
1868	I	General Clauses Act, 1866.	In section 2, clause (8), <i>the words</i> other than the Settlement of Prince of Wales' Island, Singapore and Malacca.	The Straits no longer form part of British India.
"	V	Commissioner in Sindh.	The schedule, so far as it relates to Act XXVI of 1850.	Act XXVI 1850 is repealed in the Bombay Presidency by Bom. Act VI of 1873, and in Sindh by Bom. Act I of 1879.
"	XVIII	Small Cause Jurisdiction, Nilgiris.	So much as has not been repealed.	Virtually repealed by Mad. Act II of 1881.
"	XXI	An Act to appoint a Receiver of the property of the late Nawab of the Carnatic.	The whole ...	Obsolete.
1869	XI	Land-customs (Madras and Bombay) Act, 1869.	The whole Act, so far as it applies to Aden.	Repealed by Act XI of 1882, which however does not extend to Aden.

## THE FIRST SCHEDULE—contd.

## Part I.—Acts of the Governor General in Council—contd.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1869	XIV	Bombay Civil Courts Act, 1869.	In section 32, proviso, clause (b) (added by Act XV of 1880, section 3), the words and figures or selected under Act No. XX of 1864 (for making better provision for the care of the persons and property of minors in the Presidency of Bombay), section 9, and the words or selection.	Act XX of 1864 is repealed by Act VIII of 1890.
1870	VII	Court-fees Act, 1870.	<p>In section 3, the word sixteen.</p> <p>In section 7, paragraph iv, last clause, the words and the provisions of the Code of Civil Procedure, section thirty-one, shall apply as if for the word 'claim' the words 'relief sought' were substituted.</p> <p>Section 10, clause iii ...</p> <p>Section 19, clause ii ...</p> <p>In section 19C (inserted by Act XIII of 1875, section 6), first line, the word such.</p> <p>In section 19G (inserted by Act XIII of 1875, section 8), the words and figures after the first day of April, 1875, or.</p> <p>Section 24 ...</p>	<p>Sch. II, Art. 10, is repealed by Act VI of 1889, s. 18 (1).</p> <p>The reference is to Act VIII of 1859. It is superseded by Act XIV of 1882, s. 54.</p> <p>Superseded by Act XIV of 1882, s. 392.</p> <p>There is nothing corresponding to ss. 118 and 164 of Act VIII of 1859 in Act XIV of 1882, Chs. VII and XIV.</p> <p>Meaningless.</p> <p>Obsolete.</p> <p>Superseded by Act XIV of 1882, Ch. XVIII.</p>

THE FIRST SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1870	VII— <i>contd.</i>	Court-fees Act, 1870.	Section 32 ...  Schedule II, Nos. 8 and 9	This section amends Act VIII of 1859. It is made unnecessary by Act XIV of 1882 (see, e.g., ss. 410 and 411 of the latter Act). See also Act VII of 1870, Sch. II, Arts. 2 and 3. These refer to the Income-tax Act of 1870, which is repealed. [The references are not revived by Act II of 1886.]
"	XXI	Hindu Wills Act, 1870.	In section 6, the words and Parts.	Obsolete. The amendment made by Act V of 1881, s. 154, removes "Parts" from s. 2 of Act XXI of 1870 and leaves only "sections".
"	XXVI	Prisons Act, 1870.	In section 9, the words (subject to the approval of the Governor General of India in Council).	Unnecessary now that prisons are a provincial charge.
"	XXVII	Amending the Indian Penal Code.	Section 7 ... Section 9 ... Section 14 ...	Virtually repealed by Act IX of 1890, s. 149. Virtually repealed by Act X of 1886, s. 24 (I). Superseded by Act X of 1882, s. 196.
1871	II	Extending the Prisons Act, 1870, to Coorg.	So much as has not been repealed.	Superseded by the proposed amendments in Act XXVI of 1870, preamble and s. 6, <i>infra</i> , p. 53.
"	IV	Coroners' Act, 1871.	Section 4, the second para- graph.	Validation clause.
"	XXI	Dehrá Dun ...	Section 1, from and no judgment to the end. In section 2, the words and shall be deemed to have been heretofore authorized to exercise. In section 3, the words shall be deemed to have been heretofore the Dis- trict Court of the said district of Dehrá Dun,	Validation clauses.

## THE FIRST SCHEDULE—contd.

## Part I.—Acts of the Governor General in Council—contd.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1871	XXI— contd.	Dehrá Dun ...	and, <i>and the words and figures</i> and may, subject to the provisions of Act VI of 1871, hear appeals from decisions given in the said district before the passing of this Act. In section 4, <i>the words and figures</i> and referred to in section eleven of Act XXIV of 1864.	Obsolete. Unnecessary. [Act XXIV of 1864 is repealed by Act XV of 1874.]
"	XXII	Amending Act XX of 1856 (Chaukidárs).	Section 5 ... In section 6, <i>the words</i> but shall not take effect within the territories subject to the Lieutenant-Governor of Bengal.	Repealing clause. Obsolete, Act XX of 1856 having been repealed in Bengal by Ben. Act V of 1876.
"	XXIII	Pensions Act, 1871.	Section 1, <i>from</i> but not so as to affect to the end.	Pending suits. Obsolete.
"	XXVI	Land Improvement Act, 1871.	The whole Act, so far as it applies to Assam, the Andaman and Nicobar Islands and the Pargana of Manpur.	Acts XXVI of 1871 and XXI of 1876 extended to the whole of British India (see Act XXVI of 1871, s. 1). They are repealed by Act XIX of 1883, but only in areas in which that Act is brought into force. Act XIX of 1883 has been brought into force throughout British India excepting only Assam, the Andamans and the Pargana of Manpur. Acts XXVI of 1871 and XXI of 1876 are apparently not in practical operation in the Andamans and Manpur. As to Assam, the Chief Commissioner will be consulted.
1872	IV	Punjab Laws Act, 1872.	Section 38 ... Section 39G (inserted by Act XV of 1875, section 2).	Validation clause: Pending cases. Validation clause.

THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1872	IV— <i>contd.</i>	Punjab Laws Act, 1872.	The first schedule, so far as it relates to Act XVII of 1861.	Act XVII of 1861 is repealed by Act VIII of 1875.
"	XV	Indian Christian Marriage Act, 1872.	In section 68, the words "and to amend the law relating to the removal of such convicts."	This portion of the title of Act XXIV of 1855 is proposed for repeal <i>supra</i> , p. 7.
1873	III	Madras Civil Courts Act, 1873.	In section 13, the words and figures or appeals under Madras Regulation XI of 1832, section nine.	Mad. Reg. XI of 1832 is repealed by Act VI of 1878.
"	IV	Punjab Municipal Act, 1873.	Section 29, the second and third paragraphs.	Virtually repealed by Mad. Act II of 1881.
"			So much as has not been repealed.	Act IV of 1873 has "ceased to apply" in many areas [see Act XIII of 1884, s. 12 (a); also Punjab Code, Ed. 1888, pp. 195 and 198 (footnotes), and preface, para. 8], and is apparently not in force anywhere. The Punjab Government will be consulted.
"	V	Government Savings Banks Act, 1873.	In section 5, the words the said.	Obsolete. S. 2, in which Act XXVI of 1855 was before referred to, is repealed by Act XII of 1873.
"	XVI	North-Western Provinces Village and Road Police Act, 1873.	In section 1, the words and figures So far as regards the repeal of Act No. III of 1869, this Act extends to the whole of British India: the rest of.	S. 2, which repealed Act III of 1869, is repealed by Act XVI of 1874.
"	XIX	North-Western Provinces Land-revenue Act, 1873.	Section 2, the third paragraph.	Pending proceedings. Obsolete.
1874	I	Quieting of titles, North-Western Provinces.	The whole ...	Validation Act.

THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1.	2.	3.	4.	5.
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1874	III	Married Women's Property Act, 1874.	In section 9, <i>the words</i> affect any suit instituted before the passing of this Act, nor.	Pending suits. Obsolete.
"	VIII	Exercise of Powers in Assam.	Section 3 ...	Pending proceedings. Spent. [Act XXII of 1869 is repealed by Act XIV of 1874.]
"	XIV	Scheduled Districts Act, 1874.	In section 10, <i>the words and figures</i> and No. XXV of 1869.  The first schedule, Part XIII.	Act XXV of 1869 is repealed by Act VIII of 1875.  Morar has been ceded to Gwalior.
"	XV	Laws Local Extent Act, 1874.	Section 8, clause (f) ...  The first schedule, so far as it relates to Acts XVIII of 1854 <sup>(1)</sup> , VIII of 1859 <sup>(2)</sup> , XIV of 1859, section 15 <sup>(3)</sup> , XV of 1859 <sup>(4)</sup> , XXIII of 1861 <sup>(5)</sup> , VI of 1863 <sup>(6)</sup> , X of 1866 <sup>(7)</sup> and X of 1868 <sup>(8)</sup> .  The second schedule, so far as it relates to Madras Regulations III of 1802, section 11 <sup>(1)</sup> , I of 1805 <sup>(2)</sup> , II of 1807 <sup>(3)</sup> , IV of 1816 <sup>(4)</sup> , IX of 1816 <sup>(5)</sup> and XIV of 1816 <sup>(6)</sup> and Acts XVII of 1840 <sup>(7)</sup> , VII of 1852 <sup>(8)</sup> and XI of 1869 <sup>(9)</sup> .	The enactments mentioned are all repealed by Mad. Act IV of 1869.  ( <sup>1</sup> ) Rep. by Act IV of 1879. ( <sup>2</sup> ) Rep. by Act X of 1877. ( <sup>3</sup> ) Rep. by Act I of 1877. ( <sup>4</sup> ) Rep. by Act V of 1888. ( <sup>5</sup> ) Rep. by Act VIII of 1873. ( <sup>6</sup> ) Rep. by Act VI of 1882.  ( <sup>1</sup> ) Rep. by Act XII of 1876. ( <sup>2</sup> ) Rep. by Mad. Act IV of 1889. ( <sup>3</sup> ) Rep. by Mad. Act I of 1889. ( <sup>4</sup> ) Rep. by Act XVI of 1874. ( <sup>5</sup> ) Rep. by Mad. Act II of 1882. ( <sup>6</sup> ) Rep. by Act XI of 1882.

## THE FIRST SCHEDULE—contd.

## Part I.—Acts of the Governor General in Council—contd.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1874	XV—contd.	Laws Local Extent Act, 1874.	<p>The third schedule, so far as it relates to Bombay Regulations IV of 1827, section 69<sup>(1)</sup>, XII of 1827, preamble <sup>(2)</sup>, XVI of 1827<sup>(1)</sup>, XXI of 1827<sup>(3)</sup>, V of 1830<sup>(1)</sup>, XV of 1831<sup>(1)</sup>, II of 1832<sup>(1)</sup> and V of 1833<sup>(1)</sup> and Acts XVIII of 1838<sup>(1)</sup>, XIII of 1842<sup>(1)</sup>, XVII of 1842<sup>(1)</sup>, XI of 1843<sup>(4)</sup>, III of 1846<sup>(1)</sup>, III of 1852<sup>(5)</sup> and XXI of 1852<sup>(1)</sup>.</p> <p>The fourth schedule, so far as it relates to Bengal Regulations XLVIII of 1793<sup>(1)</sup>, III of 1794, section 12 <sup>(2)</sup>, XV of 1797<sup>(1)</sup>, I of 1798<sup>(2)</sup>, XVII of 1800<sup>(3)</sup>, XI of 1811<sup>(4)</sup>, XIX of 1814<sup>(4)</sup>, XX of 1817, sections 28 and 32<sup>(5)</sup>, and VI of 1819<sup>(6)</sup> and Acts XX of 1830<sup>(4)</sup>, XI of 1838<sup>(4)</sup>, XX of 1850<sup>(7)</sup>, XXI of 1856<sup>(8)</sup> and XXIII of 1860<sup>(9)</sup>.</p> <p>The fifth schedule, so far as it relates to Bengal Regulations I of 1798<sup>(1)</sup>, XVII of 1806<sup>(1)</sup>, XIX of 1810<sup>(2)</sup>, V of 1817<sup>(3)</sup>, VI of 1819<sup>(4)</sup> and XI of 1831, sections 4<sup>(5)</sup> and 8<sup>(6)</sup>.</p>	<p>(<sup>1</sup>) Rep. by Bom. Act V of 1879.</p> <p>(<sup>2</sup>) Rep. by Act XVII of 1862.</p> <p>(<sup>3</sup>) Ss. 1-16 of Bom. Reg. XXI of 1827 are repealed by Act I of 1878, and ss. 46 and 54-73 by Bom. Act V of 1878.</p> <p>(<sup>4</sup>) Rep. by Bom. Act III of 1874.</p> <p>(<sup>5</sup>) Rep. by Bom. Act V of 1878.</p> <p>(<sup>1</sup>) Rep. by Ben. Act VII of 1876.</p> <p>(<sup>2</sup>) Rep. by Ben. Act VII of 1880.</p> <p>(<sup>3</sup>) Rep. by Act IV of 1882.</p> <p>(<sup>4</sup>) Rep. by Ben. Act VIII of 1876.</p> <p>(<sup>5</sup>) Rep. by Act XII of 1876.</p> <p>(<sup>6</sup>) Rep. by Ben. Act I of 1885.</p> <p>(<sup>7</sup>) Rep. by Ben. Act V of 1876.</p> <p>(<sup>8</sup>) Rep. by Ben. Act VII of 1878.</p> <p>(<sup>9</sup>) Rep. by Ben. Act II of 1876.</p> <p>(<sup>1</sup>) Rep. by Act IV of 1882.</p> <p>(<sup>2</sup>) Rep. by Act VIII of 1884.</p> <p>(<sup>3</sup>) Rep. by Act VI of 1878.</p> <p>(<sup>4</sup>) Rep. by Act XVII of 1878.</p> <p>(<sup>5</sup>) Rep. by Act XII of 1876.</p> <p>(<sup>6</sup>) Rep. by Act XVI of 1874.</p>



THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1874	XV— <i>contd.</i>	Laws Local Extent Act, 1874.	The sixth schedule, Part XIII.	Morar has been ceded to Gwalior.
1875	XIII	Probates and Letters of Administration.	Section 1 ...  So much of section 6 as directs the insertion of section 19H in the Court-fees Act, 1870.	Superseded by Act II of 1877.  Act VII of 1870, s. 19H, is repealed by Act VIII of 1890.
"	XV	Punjab Laws Amendment Act, 1875.	Section 2, so far as it applies to the Punjab and relates to section 39A <sup>(1)</sup> and section 39B <sup>(1)</sup> .  Section 2, so far as it relates to section 39G.	<sup>(1)</sup> Superseded in the Punjab by Act XXIV of 1881, s. 2. [Act XV of 1875 was extended to Ajmere-Merwara by notification No. 171J., dated the 19th Oct., 1877; but Act XXIV of 1881 is not in force there.]  Section 39G is proposed for repeal—see <i>supra</i> , p. 16.
"	XX	Central Provinces Laws Act, 1875.	Section 2, proviso ...  Section 7 ...  The schedule, so far as it relates to Bengal Regulation VI of 1819 <sup>(1)</sup> and Act XVIII of 1858 <sup>(2)</sup> .	As to land-revenue, virtually repealed by Act XVIII of 1881, s. 2. As to Court of Wards, superseded by Act XVII of 1885.  Unnecessary.  <sup>(1)</sup> Rep. by Act XVII of 1878. <sup>(2)</sup> Rep. by Act XIII of 1889.
1876	II	Burma Land and Revenue Act, 1876.	Section 2 ...	Repealing clause.
"	X	Bombay Revenue Jurisdiction Act, 1876.	Section 2, and the schedule referred to therein.	Repealing clause.
"	XII	Repealing Act, 1876.	The whole ...	Spent.

THE FIRST SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1876	XVII	Oudh Land-revenue Act, 1876.	In section 150, the words stamped or. Section 178, clause (p)..	Inconsistent with Act I of 1879, Sch. I, Art. 16. Obsolete. [Ss. 208-212 of Act XVII of 1876 are repealed by Act XIII of 1882. See now Act IX of 1889, ss. 11 and 12.]
"	XVIII	Oudh Laws Act, 1876.	Section 16 Section 17 Section 18 Section 41 The second schedule, so far as it relates to Bengal Regulation VI of 1819 <sup>(1)</sup> and Act XIII of 1857, section 2 <sup>(2)</sup> .	Validation clause. Spent. Refers to Act XXXII of 1871, s. 28, which is repealed by Act XIII of 1879. This section substitutes a new section for s. 17 of Act VIII of 1859. The first two paragraphs of the new section are superseded by Act XIV of 1882, s. 37, last paragraph, and the notification No. 522A, dated 18th July, 1878, published in N.W.P. and Oudh Gazette, 1878, p. 1058. The third paragraph of the new section is merely a copy of the concluding paragraph of s. 17 of Act VIII of 1859, and is superseded by ss. 36 and 38 of Act XIV of 1882. Expired. ( <sup>(1)</sup> ) Rep. by Act XVII of 1878. ( <sup>(2)</sup> ) Rep. by Act I of 1878.
"	XXI	Amending the Land Improvement Act, 1871.	The whole Act, so far as it applies to Assam, the Andamans and Nicobar Islands and the Pargana of Manpur.	See note opposite Act XXVI of 1871, <i>supra</i> , p. 10.

THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1876	XXIII	Opium Act, 1876.	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.	Acts XXIII of 1876 and VI of 1877 extended to the whole of British India (see Act XXIII of 1876, s. 1). They are repealed by Act I of 1878, but only in areas in which that Act is brought into force. Act I of 1878 has been brought into force throughout British India, excepting only the Andamans and the Pargana of Manpur. Acts XXIII of 1876 and VI of 1877 are not in practical operation in these two places, and might be formally repealed as to them.
1877	I	Specific Relief Act, 1877.	Section 2  In section 9, the words instituted within six months from the date of the dispossession.  The schedule	Repealing clause.  Superseded by Act XV of 1877, Sch. II, Art. 3.  Enactments repealed.
"	II	Amending Act XIII of 1876 (Probates and Letters of Administration).	Section 2	Saving of past grants.
"	III	Indian Registration Act, 1877.	Section 84, the last paragraph.	Virtually repealed by Act X of 1882, s. 483.
"	VI	Postponing operation of the Opium Act, 1876.	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.	See note opposite Act XXIII of 1876, <i>supra</i> .
"	XI	Military Lunatics Act, 1877.	Section 2  Section 9	Repealing clause.  Validation clause.
"	XIV	Broach and Kaira Incumbered Estates Act, 1877.	Section 41	Validation clause.

THE FIRST SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1877	XV	Indian Limitation Act, 1877.	Section 2, <i>down to the word But.</i>	Repealing clause.
			Section 2, the third paragraph.	Temporary provisions. Expired.
			The first schedule	Enactments repealed.
"	XIX	District Judges...	In the preamble, <i>the words</i> the District Judges of the Lower and the North-Western Provinces of the Presidency of Fort William and.	S. 1, which alone referred to Bengal, is repealed by Act XII of 1887, s. 2.
1878	I	Opium Act, 1878.	Section 2, the first <sup>(1)</sup> and second <sup>(2)</sup> paragraphs.	( <sup>1</sup> ) Repealing clause. ( <sup>2</sup> ) Act XI of 1849 is repealed by Ben. Act VII of 1878; Act XXI of 1856 by Act X of 1871 and Ben. Act VII of 1878; Act X of 1871 by Act XXII of 1881; and Ben. Act II of 1878 (except s. 12) by Ben. Act VII of 1878.
			The schedule	Enactments repealed.
"	V	Punjab Local Rates Act, 1878.	The whole Act, so far as it applies to Simla.	Repealed by Act XX of 1883, except in Simla. The Act is omitted from the Punjab Code, Ed. 1888, as being "not enforced" in Simla (see Preface, para. 8). The Punjab Government will be asked whether it can be repealed as to Simla.
"	VI	Indian Treasure-trove Act, 1878.	Section 2	Repealing clause.
			The schedule	Enactments repealed.
"	XI	Indian Arms Act, 1878.	Sections and 9	S. 8 has already been repealed by Act XI of 1882, but doubts have been expressed as to whether the section remains in force in Aden, and it does not seem to be needed there.

THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1878	XI— <i>contd.</i>	Indian Arms Act, 1878.	Sections 8 and 9— <i>contd.</i>	S. 9 is to a certain extent superseded by Act XI of 1882, s. 5; but the latter Act does not apply to Aden. S. 9 refers to Sch. II, but that schedule was repealed by Act XI of 1882 (except as to Aden)—see footnotes on p. 282 of the General Acts, 1877-81, Ed. 1884.  If s. 9 is repealed, the second schedule might also be repealed unequivocally.
			Section 14, the last three paragraphs.	Expired.
			In section 29, the words and figures from within three months to such a district, province or place.	Expired.
			The second schedule ...	See note opposite ss. 8 and 9, <i>supra</i> .
"	XII	Amending the Punjab Laws Act, 1872.	Section 6	Repealing clause.
			Section 7, from All penalties to the end.	Validation clause.
"	XIV	Assimilation of Powers, North-Western Provinces and Oudh.	In the preamble, the words and whereas doubts have arisen as to the validity of certain acts done since the said union, and it is expedient to remove such doubts.	Validation clause.
			Section 4, the first paragraph.	Repealing clauses.
			Section 5, the first paragraph.	
			Section 7	Validation clause.
			Section 8	Obsolete.

THE FIRST SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1878	XVII	Northern India Ferries Act, 1878.	Section 36	... Validation clause.
1879	I	Indian Stamp Act, 1879.	Section 2, down to the word But.  Schedule II, Article 2, clause (c).  Schedule II, Article 10...  Schedule II, Article 11, clause (b).  Schedule III	Repealing clause.  This clause refers to Bom. Act I of 1865. That Act (except ss. 37 and 38) is repealed by Bom. Act V of 1879, but the reference in Sch. II, Art. 2, cl. (c), of the Stamp Act, 1879, is not saved. The clause seems entirely superseded by clause 1 (d) of the second schedule to notifi- cation No. 5855, dated 22nd Nov., 1889 (con- solidating notifications under the Stamp Act, s. 8).  Act VII of 1871 is repealed by Act XXI of 1883, which does not save refer- ences to the former Act. See also first footnote on General Acts, 1877-81, Ed. 1884, p. 306.  Obsolete.  ... Enactments repealed.
"	III	Destruction of Records Act, 1879.	Section 9	... Repealing clause.
"	VII	Punjab Additional Financial Com- missioner's Act, 1879.	The schedule  The whole	... Enactments repealed.  ... Expired—see s. 2, proviso.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1879	XII	Amending the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877.	In the title, <i>the words</i> the Code of Civil Procedure. The first preamble ...	These refer to ss. 1-103, which are repealed by Act XIV of 1882.
			Section 108, so far as it refers to Nos. 171, 171A, 171B and 171C of the second schedule to the Indian Limitation Act, 1877.	Nos. 171, 171A and 171B are repealed by Act VII of 1888, s. 66 (2), and for No. 171C a new No. is substituted by the same Act, s. 66 (3).
"	XIII	Oudh Civil Courts Act, 1879.	Section 2 ... Section 6, proviso ... Section 39 ... The schedule ...	Repealing clause. Obsolete. Pending proceedings. Obsolete. Enactments repealed.
"	XVII	Dekkhan Agriculturists' Relief Act, 1879.	Section 48, the second paragraph (inserted by Act XXIII of 1881, section 10).	Temporary provision. Expired.
"	XIX	Raipur and Khatra Laws Act, 1879.	Section 8 ...	Pending proceedings. Obsolete.
"	XX	Glanders and Farcy Act, 1879.	Section 15 ...	Validation clause.
1880	VII	Indian Merchant Shipping Act, 1880.	In section 72, <i>the word</i> But.	Necessitated by the repeal of the first para. of s. 72 by Act X of 1889.
"	IX	Bombay Civil Courts Act, 1880.	Section 3 ...	Validation clause.
"	XIV	Indian Census Act, 1880.	The whole ...	Spent.
"	XV	Bombay Revenue Jurisdiction Act, 1880.	The preamble <i>from</i> and <i>to make to</i> 1871.	Refers to ss. 4 and 5, which are repealed by Act XII of 1884.
1881	II	Pegu and Sittang Canal Act, 1881.	Section 22 ...	Validation clause.

## THE FIRST SCHEDULE—contd.

## Part I.—Acts of the Governor General in Council—contd.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1881	V	Probate and Administration Act, 1881.	In section 152, the words the said.	Obsolete. S. 151, in which Act XXVII of 1880 was before referred to, is repealed by Act VII of 1880.
"	IX	Administrator General's Act, 1881.	So much of section 5 as has not been repealed. Section 6, from and the words to the end.	} Repealing clauses.
"	XIII	Fort William Act, 1881.	Section 9 ...	
"	XIV	Benares Family Domains Act, 1881.	Sections 2 and 14 ...	Repealing clauses.
"	XVIII	Central Provinces Land-revenue Act, 1881.	Section 2 ...	Repealing clause.
			Section 3 ...	Pending proceedings. Spent.
			Section 130W (inserted by Act XVI of 1880, section 26).	Repealing clause.
			The schedule ...	Enactments repealed.
"	XIX	Lower Burma Forest Act, 1881.	Section 2 ...	Repealing clause.
			The schedule ...	Enactments repealed.
"	XXIII	Dekkhan Agriculturists' Relief Act, 1881.	Section 4 ...	Virtually repealed by Act XXII of 1882, s. 3.
			Sections 5 and 16 ...	Repealing clauses.
"	XXV	Banki Lawa Act, 1881.	Section 3 ...	Pending proceedings. Obsolete.
			In section 4, the words and figures from And in the following Bengal Regulations to the end.	Repealing clause.



THE FIRST SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1881	XXVI	Negotiable Instruments Act, 1881.	Section 2 The schedule	Repealing clause. Enactments repealed.
1882	I	Inland Emigration Act, 1882.	Section 2, the first paragraph. In section 2, second paragraph, <i>the words the said.</i> Section 193	Repealing clause. Necessitated by the proposed repeal of s. 2, para. 1. Validation clause.
"	II	Indian Trusts Act, 1882.	Section 36, the second paragraph. In the schedule, <i>the figures 39.</i>	Refers to Act XXVI of 1871, as to repeal of which see <i>supra</i> , p. 16. Act XXVIII of 1866, s. 39, is entirely repealed, throughout British India, by Act VII of 1882, s. 6.
"	III	Seditious Publications Act, 1882.	Section 2	Repealing clause.
"	VII	Powers-of-Attorney Act, 1882.	Section 6	Repealing clause.
"	X	Code of Criminal Procedure, 1882.	Section 311 In section 549, <i>the figures 1881, in both places in which they occur.</i> Section 558	Obsolete : cf. s. 313. This part of the title to the Army Act is repealed by 53 Vict., c. 4, s. 4. Pending cases. Obsolete.
"	XII	Indian Salt Act, 1882.	In section 11, <i>the words and figures</i> or under section 11 of the Inland Customs Act, 1875.	Obsolete : see Act XII of 1882, s. 11, second clause.
"	XIV	Code of Civil Procedure.	Section 589, the last paragraph.	Repealing clause.
"	XIX	Punjab University Act, 1882.	Section 22	Expired or obsolete.
"	XXII	Dekkhan Agriculturists' Relief Act, 1882.	Section 17 Section 19	Repealing clause. Temporary provision. Expired.
1883	III	Repealing Act XXVII of 1854 (Nazim of Bengal).	The whole	Spent.
"	V	Indian Merchant Shipping Act, 1883.	In section 2, sub-section (2), <i>the words proceedings commenced and the word commenced.</i>	Obsolete.

THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1883	VII	Repealing the Lower Burma Labour Law, 1876.	The whole	Spent.
"	VIII	Little Cocos and Preparis Islands Laws Act, 1883.	Section 3	Pending proceedings. Obsolete.
"	IX	Central Provinces Tenancy Act, 1883.	Section 1, the last paragraph, beginning with Nevertheless.	Preliminary action. Obsolete.
			Section 2	Repealing clause.
			The schedule	Enactments repealed.
"	XIII	Indus Valley State Railway Lands.	Section 1	Repealing clause.
"	XIV	North-Western Provinces and Oudh Local Boards Act, 1883.	Sections 57 and 60	Repealing clauses.
"	XV	North-Western Provinces and Oudh Municipalities Act, 1883.	Section 5, from and shall to the end.	Obsolete.
"	XIX	Land Improvement Loans Act, 1883.	Section 12, sub-section (2).	Virtually repealed by Act VII of 1886, s. 3 (2).
1884	I	Honorary Degrees	Section 1	Repealing clause.
"	II	Unregistered instruments of partition, Madras.	In section 2, proviso, the words within three years after the date on which this Act comes into force, or and the words if the transfer is made after this Act comes into force.	Obsolete.
"	III	Criminal Procedure Code Amendment Act, 1884.	Section 6	Repealing clause.

THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1884	IV	Indian Explosives Act, 1884.	Section 2, sub-section (2)	Preliminary action. Obsolete.
"	V	Amending the Chutia Nagpur Encumbered Estates Act, 1876.	Section 8, clause (a) ... Section 10	} Repealing clauses.
"	VI	Inland Steam-veasels Act, 1884.	In section 3, sub-section (2), the words proceedings commenced and the word commenced.	
"	VII	Indian Steamships Act, 1884.	Section 2, sub-section (2)	Pending proceedings. Obsolete.
"	VIII	Repealing Bengal Regulation XIX of 1810 in the North-Western Provinces.	The whole	Spent.
"	IX	Legal Practitioners' Act, 1884.	Section 10, sub-section (2).	Repealing clause.
"	XIII	Punjab Municipal Act, 1884.	Section 4, sub-section (1), from and shall to the end.  Section 4, sub-section (2).  Section 12, clauses (a) and (b).  Section 177, sub-section (1).  Section 177, sub-section (2), down to local area.	Obsolete, if Act IV of 1878 is not now in force in any local area. See note opposite that Act, <i>supra</i> , p. 17.  Apparently expired. The Punjab Government will be consulted. See note opposite Act IV of 1878, <i>supra</i> , p. 17.  Obsolete, a Municipal Committee having come into existence for Simla—see Punjab Gazette, 1884, Part I, p. 992.
"	XIV	Validation of Settlement-officers' Decisions, Punjab.	The whole	Validation Act.

THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1884	XVII	Lower Burma Municipal Act, 1884.	Section 5, <i>from and shall to the end of clause (b).</i> Section 14, clauses (a) and (b).	} Obsolete—see footnote on Burma Code, Ed. 1889, p. 237.
"	XVIII	Punjab Courts Act, 1884.	Section 1, sub-section (4)  Section 2 Section 68 Section 69 The schedule	
				Preliminary action. Obsolete. Repealing clause. Pending proceedings. Obsolete. Appeals from prior decrees, &c. Obsolete. Enactments repealed.
"	XIX	Rangoon Waterworks Act, 1884.	Section 1, sub-section (5)	Validation clause.
"	XXI	Straits Settlements Emigration.	The whole	S. 1 is spent. S. 2 is superseded by the Emigration Act of 1890, s. 7.
1885	II	Negotiable Instruments Act, 1885.	Section 7  Section 8, clause (b), and the word and at the end of clause (a).	} Repealing clauses.
"	VII	Pānch Mahāls Laws Act, 1885.	Section 3  Section 4, <i>from and in Part II to the end.</i>	
"	IX	Tariff; Excise; Sea-customs.	In the title and preamble, the words and figures to repeal part of section 6 of the Indian Tariff Act, 1882, and.  Section 1	} Repealing clauses.
"	XII	Indian Sea Passengers' Act, 1885.	Section 2	
				Repealing clause.

THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1885	XVI	Central Provinces Civil Courts Act, 1885.	Section 1, sub-section (4)	Preliminary action. Obsolete.
			Section 24	Pending proceedings. Obsolete.
			Section 25	Appeals from prior decrees and orders. Obsolete.
"	XVII	Central Provinces Government Wards Act, 1885.	Section 2	Repealing clause.
"	XX	Postponing temporarily certain parts of the Bengal Tenancy Act, 1885.	The whole	Expired.
1886	II	License-tax Amendment.	Section 1, sub-section (3)	Preliminary action. Obsolete.
			The second schedule, Part III, clause (b).	Inoperative.
"	IV	Amending the Indian Contract Act, 1872.	Section 2	Repealing clause.
"	V	Mirzapur Stone Mahal Act, 1886.	Section 1, sub-section (3).	Preliminary action. Obsolete.
			Section 2	Repealing clause.
			In section 19, the words continue to be levied until the Act comes into force, and shall then.	Obsolete.
"	VI	Births, Deaths and Marriages Registration Act, 1886.	Section 1, sub-section (3).	Preliminary action. Obsolete.
"	X	Amending the Code of Criminal Procedure, 1882, &c.	Section 20 and section 24, sub-section (2).	Repealing clauses.

THE FIRST SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1886	XIII	Indian Securities Act, 1886.	Section 1, sub-section (3).	Preliminary action. Obsolete.
"	XIV	North-Western Provinces Rent Act, 1886.	Section 6  In section 7, the words the word "other" is repealed; and in and the words of the same section.	Repealing clauses.
"	XVIII	Amending Act XXXVI of 1858 (Lunatic Asylums).	Section 3, so far as it relates to section 17A.	Virtually repealed by Act XX of 1859, s. 1.
"	XX	Upper Burma Laws Act, 1886.	In section 1, sub-section (2), the words within four months from the passing of the Act.  Section 5  The first schedule  The second schedule, first part, so far as it relates to Act V of 1881, section 153.	Obsolete.  Repealing clause.  Enactments repealed.  Act V of 1881, s. 153, is repealed by Act VII of 1889.
"	XXII	Oudh Rent Act, 1886.	Section 1, sub-section (4).	Preliminary action. Obsolete.
"	XXI 1	Dekkhan Agriculturists' Relief Act, 1886.	Section 10, sub-sections (1) and (2).  Section 12, sub-section (2).  Section 13	Repealing clauses.  Temporary provision. Expired.
"	XXIV	Extension of the Glanders and Farcy Act, 1879, to Bombay.	The whole	Practically a repealing Act. Spent.
1887	II	Amending the Sea Customs Act, &c.	Section 7  Section 9	Repealing clause.  Virtually repealed by Act XII of 1890.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1887	IV	Indian Museum Act, 1887.	Section 2 ...	Repealing clause.
"	VII	Suits Valuation Act, 1887.	Section 10 ...	Repealing clause.
"	VIII	Abolishing Military Courts of Requests.	The whole ...	Spent.
"	IX	Provincial Small Cause Courts Act, 1887.	Section 2, sub-section (1)	Repealing clause.
			In section 2, sub-section (2), the word But.	Necessitated by the proposed repeal of s. 2 (1), <i>supra</i> .
			In section 17, sub-section (1), the words as amended by this Act.	S. 26, which made the amendment, is repealed by Act X of 1888, s. 4.
			The first schedule ...	Enactments repealed.
"	XII	Bengal, North Western Provinces and Assam Civil Courts Act, 1887.	Section 2, sub-section (1)	Repealing clause.
			In section 2, sub-section (2), the word But.	Necessitated by the proposed repeal of s. 2 (1), <i>supra</i> .
"	XVI	Punjab Tenancy Act, 1887.	Section 2 ...	Preliminary action. Obsolete.
			Section 3 ...	Repealing clause.
			Section 4, clause (11), sub-clause (a).	As to repeal of Act V of 1878, see notes <i>supra</i> , p. 23. The retention of Act XVI of 1887, s. 4, cl. (11) (a), seems unnecessary in view of the universal application of Act XX of 1883—see Act XX of 1883, s. 2, and Act XVI of 1887, s. 4, cl. (11) (b).
			The schedule ...	Enactments repealed.
"	XVII	Punjab Land-revenue Act, 1887.	Section 1, sub-section (4)	Preliminary action. Obsolete.

THE FIRST SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1887	XVII— <i>contd.</i>	Punjab Land-revenue Act, 1887.	Section 3, clause (9), sub-clause (a).	As to repeal of Act V of 1878, see notes <i>supra</i> , p. 23. The retention of Act XVII of 1887, s. 3, cl. (9) (a), seems unnecessary in view of the universal application of Act XX of 1883—see Act XX of 1883, s. 2, and Act XVII of 1887, s. 3, cl. (9) (b).
1888	VI	Debtors' Act, 1888.	Section 9 ...	Repealing clause.
"	VII	Civil Procedure Code Amendment Act, 1888.	Sections 4, 25 and 29 ... Section 41 ... Sections 49, sub-section (1), 50, 52, sub-section (1), 56 and 57. In section 65, sub-section (3), the words "the Code of Civil Procedure." Section 66, sub-section (2).	Repealing clauses. Virtually repealed by Act VIII of 1890, s. 53, cl. E. Repealing clauses. Follows the proposed repeal of portion of the title to Act XII of 1873 ( <i>supra</i> , p. 26). Repealing clause.
"	VIII	Tolls ...	In section 5, the words the words "and the Governor of the Presidency of Bombay in Council" are hereby repealed; and.	Repealing clause.
"	IX	Repealing enactments relating to contagious diseases.	The whole ...	Spent.
"	X	Amending the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882.	Section ...	Repealing clause.



THE FIRST SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1888	XIII	Punjab Courts Act, 1888.	Section 3	Repealing clause.
"	XVI	Repealing Act VII of 1867 and Madras Regulation XIV of 1832.	The whole	Spent.
"	XIX	Amending the Lower Burma Municipal Act, 1884.	Section 3	Repealing clause.
1889	IV	Indian Merchandise Marks Act, 1889.	Section 19	Transitory provision. Expired.
"	V	Coroner of Madras.	Section 3, sub-section (2). Section 4, sub-section (1).	Repealing clauses.
"	VI	Probate and Administration Act, 1889.	Section 9, sub-section (2), section 18, sub-section (1), and section 21.	Repealing clauses.
"	XI	Lower Burma Courts Act, 1889.	The first and second schedules, so far as they relate to Regulation VII of 1886.	Superseded by Reg. VI of 1890, s. 3.
"	XII	Amending the Indian Merchandise Marks Act, 1889.	The whole	Expired.
"	XVI	Central Provinces Land-revenue Act, 1889.	Section 3 In section 26, the words and figures Section 136 is hereby repealed, and. Section 26, so far as it relates to section 136W. Section 29, sub-section (2), from and the last to the end. Sections 30, 31 and 36	Repealing clause. Repealing clause. Act XVIII of 1881, s. 136W, is proposed for repeal—see <i>supra</i> , p. 27. Repealing clauses.

THE FIRST SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—concl'd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1889	XVII	Central Provinces Tenancy Act, 1889.	Section 3 ...	Repealing clause.
"	XX	Amending Act XXXVI of 1858 (Lunatic Asylums).	Section 3 ...	Repealing clause.
1890	II	Amending Act XVII of 1864, &c.	Section 11, sub-section (2).	Repealing clause.
"	III	Amending the Inland Steam-vessels Act, 1864, and the Indian Steam-ships Act, 1864.	Sections 3, 4, sub-section (1), 5, 16, 17, sub-section (1), and 18.	Repealing clauses.
"	V	Forest Act, 1890	Section 21 ...	Repealing clause.
"	X	Amending Act XXV of 1867 (Printing-presses and books).	Sections 1, 2 and 7 ...	Repealing clauses.

THE FIRST SCHEDULE—*contd.**Part II.—Acts of the Lieutenant-Governor of Bengal in Council.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1866	I	Amending Bengal Regulation VI of 1819 (Ferries).	The whole Act, so far as it applies to Assam.	{ Repealed in Bengal by Ben. Act I of 1885. Superseded in Assam by Act XVII of 1878.
"	V	Hackney Carriages.	The whole Act, so far as it applies to Assam.	Superseded in Assam by Act XIV of 1879.
1867	II	Gambling ...	The whole Act, so far as it applies to Assam.	Superseded in Assam by Act III of 1867.
1870	IV	Court of Wards Act, 1870.	The whole Act, so far as it applies to Assam.	Repealed by Ben. Act IX of 1879. Ben. Act IV of 1870 was declared in force in the districts of Kamrup, Nowgong, Darrang, Sibsagar, Lakhimpur, Goalpara (excluding the Eastern Dvare), Cachar (excluding the North Cachar Hills) and Sylhet, while Ben. Act IX of 1879 has been extended only to the districts of Goalpara, Cachar and Sylhet. Ben. Act IV of 1870 is therefore nominally in force in Kamrup, Nowgong, Darrang, Sibsagar and Lakhimpur, but the Chief Commissioner of Assam (letter No. 3135, dated 30th October, 1888) thinks it unnecessary to print it in the Assam Code. He will be asked whether it should be formally repealed in Assam.

## THE FIRST SCHEDULE—contd.

## Part III.—Regulations of the Bengal Code.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1793	VIII	Decennial Settlement.	<p>In section 14, the words and figures in consequence of the rules in Sections V and IX.</p> <p>In section 26, the words and figures under the restrictions specified in Section XXIII, and the word also.</p> <p>In section 49, the word however (1) and the words of the nature of those described in Section XVIII (2).</p> <p>Section 54</p> <p>In section 62, clause fourth, the words and figures printed and published in the manner directed in Regulation XLI, 1793.</p>	<p>Ss. 5 and 9 of Ben. Reg. VIII of 1793 are repealed by Act XVI of 1874. This reference is saved by the proviso to that Act, but <i>qn.</i> whether it need be retained.</p> <p>S. 23 being repealed by Ben. Reg. XVII of 1806 without a saving, <i>qn.</i> whether this reference has now any legal effect.</p> <p>(1) Apparently unnecessary since the repeal of s. 48.</p> <p>(2) S. 18 is repealed by Act XII of 1876. This reference is saved by the proviso to that Act, but <i>qn.</i> whether it need be retained.</p> <p><i>Qn.</i> expired (see concluding clause).</p> <p>[Already repealed in the greater part of Bengal by Act VIII of 1885.]</p> <p>Ben. Reg. XLI of 1793 is repealed by Act VIII of 1868. This reference is saved by the proviso to that Act, but <i>qn.</i> whether it need be retained.</p>
"	XIX	Title to Non-bādshāhi Lākhirāj Grants.	In section 4, the word and figures and XXI.	S. 21 is repealed by Ben. Act VII of 1870.
"	XXXVII	Title to Bādshāhi Lākhirāj Grants.	In section 2, clause second, the words and figures and proceeded in it as required by Section XIV, Regulation III, 1793.	Ben. Reg. III of 1793, s. 14, is repealed by Act VIII of 1868. This reference is saved by the proviso to that Act, but <i>qn.</i> whether it should not be repealed. The similar words in Ben. Reg. XIX of 1793, s. 2, cl. second, were repealed by Act XVI of 1874.
"	XXXVIII	Loans by Civil Servants.	The title, from and for re-enacting to the end. Section 1, from From a regard to remained in force.	Obsolete. Refers to ss. 3-6, which are repealed by Act VIII of 1868.

THE FIRST SCHEDULE—*contd.**Part III.—Regulations of the Bengal Code—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1794	III	Revenue arrears	In the title, <i>the words</i> for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue; and <sup>(1)</sup> <i>and the words</i> and for expediting the trial of causes relating to the public revenue or the reuts of individuals <sup>(2)</sup> .	(1) Refers to s. 3, which is repealed by Act XVI of 1874. (2) Refers to s. 22, which is repealed by Act XII of 1873.
1799	V	Wills and Intestacies.	In the title, <i>the words</i> and City.	References to City Courts in the body of the Regulation are repealed by Act XVI of 1874.
1800	VIII	Registers of estates.	The title, <i>from</i> preparing to prescribed.	Refers to ss. 1-18, which are repealed.
1801	I	Division of joint estates.	The title, <i>from</i> to explain and amend part to such sales <sup>(1)</sup> , <i>from</i> contained in Regulation XXV, 1793, to Regulation XXVI, 1795 <sup>(2)</sup> , and <i>from</i> and to fix to the end <sup>(3)</sup> .  In section 8, <i>the words</i> and figures by clause first of Section XXIX, Regulation VII, 1799, or any other Regulation.  In section 14, <i>the words</i> and figures from The rules contained in to affected by this Regulation <sup>(1)</sup> ; <i>the words</i> It is further hereby declared that <sup>(2)</sup> ; and <i>the words</i> and figures from This declaration to portions thereof <sup>(3)</sup> .	(1) Refers to sections which have been repealed. (2) The Regulations referred to are repealed by Ben. Reg. XIX of 1814. (3) Refers to the earlier part of s. 14, which is proposed for repeal, <i>infra</i> .  Ben. Reg. VII of 1799, s. 29, cl. first, is repealed by Act XVI of 1874, and see note to the clause on p. 518 of Clarke's Bengal Regulations, Vol. I. (1) Expired [Ben. Reg. VIII of 1793, s. 5, is repealed by Act XVI of 1874.] (2) Surplusage. (3) Ben. Reg. XXV of 1793 is repealed by Ben. Reg. XIX of 1814.

## THE FIRST SCHEDULE—contd.

## Part III.—Regulations of the Bengal Code—contd.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1804	X	State-offences	In section 2, <i>the words</i> declared to be. In section 3, <i>the words</i> It is hereby further declared that.	Surplusage.
1805	XII	Settlement, Cuttack.	In section 30, <i>the words and figures from</i> The rules to this Regulation <sup>(1)</sup> , <i>the words</i> Provided however that <sup>(2)</sup> , <i>the words and figures</i> under Section IV, Regulation XXIV, 1795 <sup>(3)</sup> , and <i>the word</i> likewise <sup>(2)</sup> .  Section 31, from and the rules contained in Regulation XXVII, 1793, to the end.  Section 36, from Provided also that to the end.  Section 37	(1) Ben. Reg. XXIV of 1793 is repealed and replaced by Act XXIII of 1871, which extends to the whole of British India. (2) Meaningless, if the earlier part of s. 30 is repealed as proposed. (3) Unnecessary. [Ben. Reg. XXIV of 1793 is repealed by Act XXIII of 1871, and this reference is not saved.]  Ben. Reg. XXVII of 1793 is repealed by Act XXIX of 1871. The references to that Regulation are saved by the proviso to the Act, but <i>qu.</i> whether they need be retained. (The concluding clause of s. 31 is doubtless obsolete.)  This matter refers to the Tributary Mahals of Orissa. Those Mahals (except Angul) are not British territory.
	XIII	Police, Cuttack	In the title, <i>the words</i> and for amending certain provisions contained in Regulation IV, 1804. In section 4, clause second, <i>the words and figures</i> under the responsibility stated in Section VI, Regulation IV, 1804.	Ben. Reg. IV of 1804 is repealed by Act VIII of 1868.  Ben. Reg. IV of 1804 is repealed by Act VIII of 1868. This reference is saved by the proviso to that Act, but <i>qu.</i> whether it need be retained.

THE FIRST SCHEDULE—*contd.*Part III.—Regulations of the Bengal Code—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1805	VIII— <i>contd.</i>	Police, Cuttack...	In section 5, <i>the words and figures</i> by Regulation V, 1804.  Section 13, <i>from</i> Provided, however, that to the <i>end</i> .	Ben. Reg. V of 1804 is repealed by Act XVI of 1874. This reference is saved by the proviso to that Act, but <i>qu.</i> whether it need be retained.  This refers to the Tributary Mahals of Orissa. Those Mahals (except Angul) are not British territory.
1806	XI	Assistance to marching troops and to travellers.	The title, <i>from</i> and for <i>extending to the end</i> .  Section 1, <i>from</i> and whereas it is further necessary to Section XII, Regulation I, 1804.  In section 8, <i>the words and figures</i> (under the rules proscribed by Regulation V, 1804).	The matter proposed for repeal referred to ss. 9—20 of the Regulation. Those sections are repealed—see Bengal Code, Ed. 1889, Vol. I, p. 102.  Ben. Reg. V of 1804 is repealed by Act XVI of 1874. This reference is saved by the proviso to that Act, but <i>qu.</i> whether it need be retained.
1812	XVIII	Leases; Apportionment of Assessment on partition.	In section 8, clause second, <i>the words and figures</i> and Section VII, Regulation XXVII, 1795 <sup>(1)</sup> and <i>the words and figures</i> (excepting the dependent taluqdars described in Section VII, Regulation XLIV, 1793) <sup>(2)</sup> .	( <sup>1</sup> ) Ben. Reg. XXVII of 1795 applies to Benares, and is printed in the N.-W. P. Code, Ed. 1886. Ben. Reg. XVIII of 1812 has however been repealed as to the N.-W. P. by Act XIX of 1873. This reference is therefore obsolete. ( <sup>2</sup> ) Ben. Reg. XLIV of 1793 is repealed by Act XXIX of 1871. This reference is saved by the proviso to that Act, but <i>qu.</i> whether it need be retained.
"	XXII	Territories bordering on Bandalband.	Sections 1, 3 and 4 ...  In section 2, <i>the words</i> the territory of Rájá Kasari Singh, the Rájá of Jaitpur.	Obsolete.  This territory is now in British India.

## THE FIRST SCHEDULE—contd.

## Part III.—Regulations of the Bengal Code—contd.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1816	XI	Succession, Tributary Estates in Cuttack.	So much as has not been repealed.	These estates (except Angul) are not British territory.
1817	XII	Patwáris	In section 35, the words or Commissioner.	Necessitated by the repeal of the words "or the Commissioner in Behar and Benares" by Act XVI of 1874.
"	XX	Police	The title, from for modifying to the end.	Refers to ss. 26 and 33, which are repealed by Acts XVII of 1862 and XVI of 1874, respectively.
			In the heading prefixed to section 30, the word <i>badges</i> and the words <i>and insane persons</i> .	These words refer to clauses fourth and sixth, which are repealed.
			Forms Nos. 1, 4, 5, 7, 9 to 12 and 15 to 21 in the Appendix.	These forms are obsolete in consequence of the repeal of the sections (7-10, 13, 16, 23-25, 27 and 31), in which they were referred to. [Forms 2, 3, 8 and 14 are repealed by Ben. Reg. VII of 1829, and Form 6 (in the North-Western Provinces) by Act XVI of 1873. Forms 6 (as to Bengal) and 13 alone are now operative.]
1819	I	Kánúngos and Patwáris.	The title, from for replacing to Gorakhpur.	Refers to ss. 1-3, which are repealed by Act XII of 1873.
			Section 4, clause fifth, from -anything to the end.	Ben. Reg. IV of 1808 is repealed by Act XIX of 1873, and Ben. Reg. I of 1819 is repealed in the N.-W. Provinces by the same Act.
			Section 4, clause sixth...	Q <sub>x</sub> : expired. The Government of Bengal will be asked.



THE FIRST SCHEDULE—*contd.**Part III.—Regulations of the Bengal Code—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1819	I— <i>contd.</i>	Kánúngos and Patwáris.	Section 6	Refers to Ben. Reg. XII of 1817, s. 4, which is repealed by Act XVI of 1874. [The reference to that section in s. 11 of Ben. Reg. XII of 1817 is repealed by the same Act.]
"	II	Resumption of revenue-free lands.	In section 4, the words and figures and Regulations XLI and XLII of 1795, Regulations XXXI and XXXVI of 1803, Regulations VIII <sup>(1)</sup> , and the words and figures from nor to alter to the end <sup>(2)</sup> .	( <sup>1</sup> ) These Regulations are all repealed by Act XIX of 1873, which also repeals Ben. Reg. 11 of 1819 as to the N.-W. Provinces. ( <sup>2</sup> ) Ben. Reg. I of 1815 is repealed by Act XXIX of 1871. This reference is saved by the proviso to that Act, but it seems unnecessary to retain it.
			In section 12, the figures XXVI.	Ben. Reg. XII of 1817, s. 26, is repealed by Act XII of 1873. This reference is saved by the proviso to that Act, but <i>qu.</i> whether it need be retained.
			Section 29	<i>Qu.</i> whether this section might not be repealed as being out of date. If not repealed, <i>qu.</i> whether the reference to Ben. Regs. XXIV of 1803 and VI of 1817 should not be amended. Those Regulations are repealed by Act XXIII of 1871, which does not save references.
"	VIII	Patni Taluqs ...	The title, from and to explain to the end. The preamble, from It has been likewise deemed advisable to defaulters.	This matter refers to ss. 18 and 19, which are repealed by Act X of 1859.

THE FIRST SCHEDULE—*contd.**Part III.—Regulations of the Bengal Code—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1821	IV	Powers of Collectors and Magistrates.	The title, <i>from</i> for authorising a Collector to Also.	Refers to s. 2, which is repealed by Act XII of 1873. [The similar words in the preamble were repealed by Act XII of 1876.]
1822	VII	Settlement, Cut-tack, &c.	The title, <i>from</i> for continuing to five years.	Refers to s. 2, clauses first to fourth, which are repealed by Act XVI of 1874.
"	XI	Non-liability of Government for errors of Courts, &c.	The title, <i>from</i> for modifying to arrears of revenue.	Refers to sections which are repealed by Act XII of 1841.
1823	VII	Prohibition of loans.	Section 7	Depends on Ben. Reg. XXI of 1814, which is repealed by Act XXIX of 1871. The reference to the Regulation is saved by the proviso to that Act, but it seems unnecessary to retain the section.
1825	IX	Defaulting mál-guzárs.	In the preamble, <i>the words and figures</i> and the provision contained in Section XXXIX, Regulation IX, 1810.  In section 2, clause first, <i>the words and figures</i> and Regulations II and XXII, 1795.	Ben. Reg. IX of 1810 is repealed by Act VI of 1863. The whole sentence from "and whereas the rules" to "sanctioned by Government" might be removed if s. 9 is repealed as suggested <i>infra</i> , p. 40.  Ben. Regs. II and XXII of 1795 are repealed by Acts XIX of 1873 and VIII of 1868, respectively, and Ben. Reg. IX of 1825 is itself repealed, as to the North-Western Provinces, by Act XIX of 1873. It seems unnecessary to retain these references.

THE FIRST SCHEDULE—*conold.**Part III.—Regulations of the Bengal Code—conold.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Explanation.
1825	IX— <i>conold.</i>	Defaulting mál-guzárs.	In section 3, <i>the words</i> and Benares <sup>(1)</sup> .  Section 8, <i>from</i> Section XI, Regulation XXXI, 1803 <sup>(2)</sup> <i>to</i> Conquered Provinces <sup>(1)</sup> .  In section 9, <i>the words and figures</i> and the provision contained in Section XXXIX, Regulation IX, 1810.	( <sup>1</sup> ) Ben. Reg. IX of 1825 is repealed as to the North-Western Provinces by Act XIX of 1873. ( <sup>2</sup> ) Ben. Reg. XXXI of 1803 is repealed by Act XIX of 1873, which does not save references.  Ben. Reg. IX of 1810 is repealed by Act VI of 1863.  Qn. whether the whole section might not be repealed as obsolete. The Government of Bengal will be asked.
"	XIII	Settlement of resumed Lákshnáj land.	In section 2, <i>the words and figures</i> IV, 1808, Regulations II and.  In section 4, <i>the words and figures</i> or the second clause of Section VIII, Regulation XLI, 1795, in the province of Benares.  In section 5, <i>the figures and word</i> XLII, 1795, and XXXVI, 1803.	Ben. Regs. IV of 1808 and II of 1816 are repealed by Acts XIX of 1873 and VIII of 1868, respectively.  [Ben. Reg. XIII of 1825 is itself repealed, as to the N. W. Provinces, by Act XIX of 1873].  Ben. Reg. XLI of 1795 is repealed by Act XIX of 1873. This reference is not saved.  These Regulations are repealed by Act XIX of 1873.

## THE SECOND SCHEDULE.

## ENACTMENTS AMENDED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

## Part I.—Acts of the Governor General in Council.

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1835	XIX	Assistant to Agent for Sardars, Dekkhan.	In section 1, ...	Bom. Reg. IV of 1827, Ch. XXII, is repealed by Act X of 1861, and the reference to the Regulation in this section is not saved. The Government of Bombay will be asked what amendment should be made.
1839	VII	Tabsildars, Madras.	In section 4, for Section 10, Regulation IX of 1822 of the Madras Code, in cases in which they conduct sales under the provisions of that Regulation, read	The portion of s. 10 of Mad. Reg. IX of 1822 here referred to is repealed by Act XII of 1876, but this reference is saved by the proviso to that Act. Mad. Reg. XXVIII of 1802, referred to in Mad. Reg. IX of 1822, s. 10, is repealed by Mad. Act VIII of 1865, s. 89. The Government of Madras will be asked how the reference in Act VII of 1839, s. 4, should be amended, or whether the section should not be formally repealed as unnecessary.
1840	X	Temple of Jagannath.	In section 3, for the said Rajah of Khoorda read the Raja of Khoorda for the time being, and for the said Temple, in the first place in which these words occur, read the Temple of Jagannath.	Necessitated by the repeal of s. 2 by Act XIV of 1862, s. 539.

THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1844	X	Registration of ships.	In section 15, for Act No. II of 1839 read the law for the time being in force for the recovery of fines imposed by Criminal Courts.	Act II of 1839 is repealed by Act XVII of 1862, and s. 1 is replaced by Act X of 1862, ss. 386-389, but this reference is not saved.
1846	I	Pleaders ...	In section 7, for the sections of the Regulations read the section of the Regulation.	Necessitated by the proposed repeal of part of s. 6, <i>supra</i> , p. 5.
1850	XIX	Binding Apprentices.	In section 11, for section VIII read section 9. In section 20, for and, where the word occurs before administrators, read or.	Clerical errors.
1851	XII	Land-revenue, Madras Town.	In the preamble and section 1, for Section 12, Regulation II of 1802 of the Madras Code, read	Mad. Reg. II of 1802 is repealed by Act III of 1873, which does not save references. The Government of Madras will be asked how the references in Act XII of 1851 should be amended. See 55 Geo. 3, c. 84.
1856	VIII	Control of Gaols	In the title and preamble, for Presidencies of Fort St. George and Bombay read Presidency of Bombay. In section 2, for each of the said Presidencies read the said Presidency.	Act VIII of 1856 is repealed, as to Madras, by Mad. Act V of 1869.
"	XX	Chaukidars ...	In section 38 (as amended by Act XXII of 1871, section 3), for Commissioners read Commissioner.	Clerical error.

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1857	XXV	Forfeiture of property.	In section 2, for by this Act ( <sup>1</sup> ), or Act XI of 1857 ( <sup>2</sup> ), or Act XIV of 1857 ( <sup>3</sup> ), or Act XVI of 1857 ( <sup>4</sup> ), read by the Indian Penal Code, section 121 or section 122, or the Indian Articles of War, Article 24.	<p>(1) This reference is to Act XXV of 1857, s. 1, which is repealed by Act V of 1860, Pt. I, cl. (c). That section is replaced by Act V of 1860, Arts. 7 and 24, but the reference is not saved.</p> <p>(2) This reference is to Act XI of 1857, s. 1, which is repealed by Act XVII of 1862. The corresponding provisions in the present law are ss. 121 and 121A of Act XLV of 1860. S. 121A does not provide forfeiture, and it should therefore not be noted. S. 122 has no exact counterpart in Act XI of 1857, but it should be noted as it provides forfeiture.</p> <p>(3) This reference is to Act XIV of 1857, s. 1. That Act is repealed by Act VIII of 1868. Corresponding provisions are to be found in Act XLV of 1860, Chapter VII, but, as that Chapter does not provide forfeiture, it should not be noted.</p> <p>(4) This reference is to Act XVI of 1857, s. 1. That Act was a temporary one (see s. 5), and is repealed by Act VIII of 1868.</p>

## THE SECOND SCHEDULE—contd.

## Part I.—Acts of the Governor General in Council—contd.

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1859	I	Merchant Seamen	In section 62, for Act XX of 1841 ( <i>for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons</i> ) read the Succession Certificate Act, 1889.  In section 115, for Sections XXI and XXII of this Act read Chapter IV of the Indian Merchant Shipping Act, 1883, and section 22 of this Act.	Act XX of 1841 is repealed by Act XXVII of 1860, and the latter Act by Act VII of 1889. This reference is not saved.  S. 21 is repealed by Act XV of 1883. It is reproduced, with modifications, in Act V of 1883, Ch. IV.
1860	XXVIII	Boundary-marks, Madras.	In section 4, for the words and figures from in the same manner to the end, read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.	Act II of 1839 is repealed by Act XVII of 1862, and replaced by Act X of 1882, sections 386—389, 33; but this reference is not saved.
"	XLV	Indian Penal Code	In section 807, Illustration (c), after of insert the first paragraph of.	Necessitated by the addition of a clause to s. 307 by Act XXVII of 1870, s. 11.
1863	XX	Religious Endowments.	In section 8, for Section I read the preamble to this Act.	S. 1 is repealed by Act XIV of 1870.
1864	III	Foreigners ...	In section 24, for the words and figures from according to the end, read be recovered in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.	Act XLVIII of 1860, s. 28, Ben. Act IV of 1866, s. 98, and Mad. Act VIII of 1867, s. 69, are repealed by Act IV of 1877, and the latter Act (except s. 57) by Act X of 1882. This reference is not saved.

THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year	No.	Subject or title.	Amendment.	Explanation.
1865	X	Indian Succession Act, 1865.	In section 242, after is insert or are.	Clerical error.
1867	III	Gambling ...	In the preamble, after Fort William insert and.  In section 2, for Sections 18, 17 and 18 read Sections 18 and 17.	Clerical error.  S. 18 is repealed by Act XVI of 1874.
"	XXIII	Murderous Outrages, Punjab.	In section 10, for the Punjab Chief Court Act, 1866, read in any other enactment for the time being in force.	Act IV of 1866 is repealed by Act XVII of 1877, and the latter Act (except s. 18) by Act XVIII of 1884. This reference is not saved.
"	XXV	Printing Presses and Books.	In section 3, before of the publisher, insert the name.	Clerical error.
1868	V	Commissioner in Sindh.	In the schedule, for Act VII of 1854 (for the apprehension, within the territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them) read The Foreign Jurisdiction and Extradition Act, 1870; and for Act VII of 1865 (to give effect to rules for the management and preservation of Government forests) read The Indian Forest Act, 1878.	Act VII of 1854 is repealed by Act XI of 1872, and Act XI of 1872 by Act XXI of 1879. This reference is not saved.  Act VII of 1865 is repealed by Act VII of 1878, and this reference is not saved.



THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1869	V	Indian Articles of War.	In Part I, clause (c), for or any Act read in any Act. In Article 24, for section read Article. In the heading to Article 170, for "committed" read "of which any person is accused".	Clerical error. Clerical error. Is consistent with the Article.
"	XX	Indian Volunteers Act, 1869.	In section 22, for the words from if for offences committed outside to the end, read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.	See note opposite Act III of 1864, s. 24, <i>supra</i> , p. 50.
1870	VII	Court-fee Act, 1870.	for section 34 read the following:— 34. (1) The Local Government may from time to time make rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons. (2) All such rules shall be published in the local official Gazette, and shall thereupon have the force of law. (3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.	Act XVIII of 1869 is repealed by Act I of 1879, and the reference in s. 34 of Act VII of 1870 to the Act of 1869 cannot be applied to Act I of 1879. S. 34 of Act VII of 1870 is therefore inoperative, and there is no law to regulate the sale of court-fee stamps. The proposed section is taken from ss. 36 (a) and 41 of the Court-fee Bill drawn in the Legislative Department in 1881.

THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1870	VII— <i>contd.</i>	Court-fees Act, 1870.	In Schedule I, Article 2, for Act No. XIV of 1859 (to provide for the limitation of suits), section 15, read the Specific Relief Act, 1871, section 9.	Act XIV of 1859, s. 15, is repealed by Act I of 1877 (except as to scheduled districts), but the latter Act does not save references to the former.  [This amendment will supersede cl. (5) of the consolidated notification under Act VII of 1870, s. 35, No. 4659, dated 10th Sept., 1889.]
			In Schedule II, Article 4, for Bombay Act No. V of 1864 (to give Mamlatdars' Courts jurisdiction in certain cases to maintain existing possession or to restore possession to any party dispossessed otherwise than by course of law) read the Mamlatdars' Courts Act, 1876.	Bom. Act V of 1864 is repealed by Bom. Act III of 1876, but the latter Act does not save this reference in Act VII of 1870.  [This amendment will supersede cl. (25) of the consolidated notification under Act VII of 1870, s. 35, No. 4659, dated 10th Sept., 1889.]
"	XXIV	Oudh Taluqdars' Relief Act.	In section 12, for the words section three, in the second place in which they occur, read section 4.	Clerical error.
"	XXVI	Prisons Act, 1870.	In the preamble, for and British Burma read Coorg and Burma.  In section 6, first paragraph (as amended by Act XIV of 1878), for and British Burma read Coorg and Burma.	Act XIV of 1878, s. 2, was evidently not intended to override Act II of 1871, but this appears to be its effect. As to Upper Burma, see Act XX of 1880, Schedule II, First Part.
			In section 47, clause (2), for assaults read assault.	Clerical error.

THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1870	XXVII	Amending the Indian Penal Code.	In section 13, for the said sections 124A and 225A read sections 124A, 225A and 225B.	The s. 225A referred to is superseded by the ss. 225A and 225B inserted by Act X of 1886, s. 24 (1).
1871	V	Prisoners' Act, 1871.	In section 13, for section eight of Act No. XXIII of 1861 (to amend Act VIII of 1859) read section 350 of the Code of Civil Procedure, and for the provisions as to deposit of fees and as to release on security contained in the same section read the provisions as to release on security contained in section 349 of the same Code.	It is difficult to read the first para. of s. 13 into Act XIV of 1882 without some modification, because s. 349 of the latter Act (1) contains no reference to fees, and (2) itself provides for commitment to jail by order of the Court. <i>Qu.</i> whether the second amendment proposed will do.
1872	IV	Punjab Laws Act, 1872.	In section 12 (as amended by Act XII of 1878, section 2), for the Punjab Tenancy Act, 1868, section 34, read the Punjab Tenancy Act, 1887, section 53.	Act XXVIII of 1868 is repealed by Act XVI of 1887, and this reference is not saved.
			In section 50, for sections forty-three to forty-nine read sections 43 to 48.	S. 49 is repealed by Act I of 1878.
"	V	Jurisdiction over Sindh.	In section 2 (added by Act XX of 1872), for the Administrator General's Act, 1867, read the Administrator General's Act, 1874.	Act XXIV of 1867 is repealed by Act II of 1874, and this reference is not saved.
"	IX	Indian Contract Act, 1872.	In section 25, clause (1), for assurances read documents.	Clerical error. Cf. titles to Acts XX of 1866, VIII of 1871 and III of 1877; also last three words of Act IX of 1872, s. 10.

THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1872	IX— <i>contd.</i>	Indian Contract Act, 1872.	In section 43, first paragraph, <i>for one read one or more.</i>	Apparently an accidental omission. The amendment is suggested by Mr. Whitley Stokes—see "Anglo-Indian Codes," Vol. I, p. 573, first footnote.
"	XV	Indian Christian Marriage Act, 1872.	In section 63, Illustration (c), <i>for compensation read composition.</i>	Clerical error.
"	XV	Indian Christian Marriage Act, 1872.	In section 4, <i>after is insert or are.</i>	Clerical error.
1873	VIII	Northern India Canal and Drainage Act, 1873.	In section 75, clause (5), <i>after whom insert and.</i>	Clerical error.
1874	II	Administrator General's Act, 1874.	In section 15, <i>after here—after insert to.</i>	Clerical error.
"	IX	European Vagrancy Act, 1874.	In section 26, <i>for the words from if for offences committed outside to time being, read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.</i>	See note opposite Act III of 1864, s. 24, <i>supra</i> , p. 50.
"	XIV	Scheduled Districts Act, 1874.	After section 5 insert the following section:— "A. In declaring an enactment in force in a scheduled district or part thereof under section 3 of this Act, or in extending an enactment to a scheduled district or part thereof under section 5 of this Act, the Local Government, with the previous sanction of the Governor General in Council, may declare the operation of the enactment to be subject to such restrictions and modifications as that Government thinks fit."	Cf. Act XV of 1888, s. 5.

THE SECOND SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1874	XIV— <i>contd.</i>	Scheduled Districts Act, 1874.	In the first schedule, Part III, No. 1, <i>for Divisions read Districts.</i>	Clerical error.
"	XV	Laws Local Extent Act, 1874.	In the second schedule, Part (a), in the entry relating to Madras Regulation II of 1806, <i>for (parts of ss. 1 &amp; 7) read (section 7, clause second).</i>	The whole Regulation, except s. 7, cl. 2, is repealed by Act XII of 1876.
			In the sixth schedule, Part III, No. I, <i>for Divisions read Districts.</i>	Clerical error.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	In section 1, clause (b), <i>for Act XV of 1871 read Act XXI of 1881.</i>	Act XV of 1871 is repealed by Act XIV of 1877, and the latter Act (except three sections) by Act XXI of 1881. This reference is not saved.
"	XIII	Indian Merchant Seamen's Act, 1876.	In section 8, last paragraph, <i>for to imprisonment read with imprisonment.</i>	Clerical error.
"	XVII	Oudh Land-revenue Act, 1876.	In section 105, <i>for field read fields.</i>	Clerical error.
"	XVIII	Oudh Laws Act, 1876.	In section 39, clause (f), <i>for Oudh Revenue Act read Oudh Land-revenue Act, 1876.</i>	Clerical error.

THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1877	III	Indian Registration Act, 1877.	<p>To section 1 <i>add</i> The Local Government may, with the previous sanction of the Governor General in Council, cancel any order excluding districts or tracts of country from the operation of this Act.</p> <p>In section 83, <i>for the words from if for</i> offences committed outside <i>to the end, read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.</i></p> <p>In section 90, clause (c), <i>for or filed read are filed.</i></p>	<p>See note opposite Act III of 1864, s. 24, <i>supra</i>, p. 50.</p> <p>Clerical error.</p>
1878	I	Opium Act, 1878	In section 24, <i>for Deputy Collector read Deputy Commissioner.</i>	Clerical error—see the first para. of the section.
"	VII	Indian Forest Act, 1878.	In section 41, clause (c), <i>for depôt read depôts.</i>	Clerical error.
"	VIII	Sea-customs Act, 1878.	<p>In section 2, <i>for the first schedule read Part I of the schedule.</i></p> <p>In the schedule appended to section 167,—</p> <p>in the first column of the entry numbered 3, <i>for No. 2 read No. 4, and for landing or shipment read shipment and landing;</i></p> <p>in the second column of the entry numbered 59, <i>for 141 read 142.</i></p>	<p>Clerical error.</p> <p>Clerical error—see s. 11 (a).</p> <p>Clerical error.</p>

THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1878	XVII	Northern India Ferries Act, 1878.	In section 17, clause (c), <i>for first read in the first instance, and for the words and figures from and then to the end of the clause, read and shall then, at the discretion of the Local Government—</i> (i) be placed at the disposal of any District Board or District Boards established under the Punjab District Boards Act, 1883, or, (ii) be applied to any of the purposes specified in the second clause of section 5 of the Central Provinces Additional Rates Act, 1878, as the case may be; and.	As to the repeal of Act V of 1878, see notes <i>supra</i> , p. 23. The reference to Act V of 1878 in Act XVII of 1878, s. 17, is not saved by Act XX of 1883. The Punjab Government will be asked whether the proposed amendment is right—cf. Act XX of 1883, ss. 20, 34 and 35, cls. (a), (c), (g) and (i).
1879	I	Indian Stamp Act, 1879.	In Schedule I, Article 5, clause (b), <i>for right read rights.</i> In Schedule II, Article 13, clause (b), <i>for annual rent read average annual rent.</i>	Clerical error. For greater clearness.
	XVI	Transport of Salt Act, 1879.	In section 3, clause (a), <i>for section twenty-eight or section thirty-one of the Act of the Governor of Bombay in Council No. VII of 1873, or by a rawāna granted under Madras Regulation I of 1803, section eleven, clause third, read Chapter V of the Madras Salt Act, 1889, or Chapter V of the Bombay Salt Act, 1890, or the corresponding law for the time being in force in the territories administered by the Governor of Fort St. George in Council or the Governor of Bombay in Council, as the case maybe.</i>	Bom. Act VII of 1873 is repealed by Bom. Act II of 1890, and Mad. Reg. I of 1805 by Mad. Act IV of 1889, but these references are not saved. The Governments of Madras and Bombay will be asked whether the proposed amendments are right.

THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1880	VII	Indian Merchant Shipping Act, 1880.	In section 68, <i>for purposes read purpose.</i>	Clerical error.
1881	V	Probate and Administration Act, 1881.	In section 59, <i>after is insert or are.</i>	Clerical error.
			In section 83, <i>for proceeding read proceedings.</i>	Clerical error (cf. Act X of 1865, s. 261).
"	XII	North-Western Provinces Rent Act, 1881.	In section 94, <i>for of village-expenses read for village-expenses.</i>	Clerical error.
"	XVIII	Central Provinces Land-revenue Act, 1881.	In section 33, <i>for the first five grades read the last five classes; for the Central Provinces Courts Act, 1865, read the Central Provinces Civil Courts Act, 1865; and for sections twelve, nineteen and twenty read section 7.</i> In section 34, <i>for the Central Provinces Courts Act, 1865, sections twelve, nineteen and twenty, read the Central Provinces Civil Courts Act, 1865, section 16 and section 17, sub-section (1), and the powers of a Court of a Commissioner described in the same Act, section 16, sub-section (1).</i> In section 35, <i>for the first four grades read the last four classes.</i>	Act XVI of 1885, s. 2 (2), saves these references to Act XIV of 1865, but it is not possible in every case to fit them into the Act of 1885.  In amending s. 33, the references to ss. 19 and 20 of Act XIV of 1865 are dropped out, as s. 34, as amended, will cover them.
"	XIX	Lower Burma Forest Act, 1881.	In section 43, clause (g), <i>for station read stations.</i>	Clerical error.



THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1881	XXII	Excise Act, 1881.	In sections 13 and 55, for Chief Controlling Revenue-authority read Chief Revenue-authority.	Clerical errors. Cf. s. 3 (a).
			In the heading to Chapter V, after spirit insert and fermented liquor.	Follows the amendments made in s. 23 by Act II of 1887.
1882	V	Indian Easements Act, 1882.	In section 14, for right read a right.	Clerical error.
"	VI	Indian Companies Act, 1882.	In section 66, after the word cheque where it first occurs, insert or.	Clerical errors.
			In section 88, after dates insert of.	
			In section 127, for prove read proof.	
			In section 144, clause (f), after the word bill, in the last place in which it occurs, insert hundi.	
"	X	Code of Criminal Procedure, 1882.	In section 191, between District Magistrate and Sub-divisional Magistrate insert or.	Clerical errors.
			In section 208, after Sub-divisional Magistrate insert or.	
			In Schedule III, the part entitled "I. Ordinary Powers of a Magistrate of the third class," before the first entry, insert (1A) Power to arrest, or direct the arrest, and to commit to custody, a person committing an offence in his presence, section 64.	Accidental omission.

THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1882	XIV	Code of Civil Procedure.	In section 6, clause (d), <i>for</i> Maulmain, Akyab or Bassein <i>read</i> or Maulmain.  In section 266, clause (i), <i>for</i> Native <i>read</i> Indian.  In section 481, <i>for</i> the sum <i>read</i> the same.  In section 568, clause (b), <i>for</i> <i>for</i> <i>read</i> or.	The Recorder's insolvency jurisdiction in Akyab and Bassein is abolished.  Clerical error—see title to Act V of 1869.  Clerical error.  Clerical error.
1883	XIV	North-Western Provinces and Oudh Local Boards Act, 1883.	In sections 36 and 37, <i>for</i> Government Civil Pension and Leave Codes <i>read</i> Civil Service Regulations.	The Codes are now so called.
"	XV	North-Western Provinces and Oudh Municipalities Act, 1883.	In sections 37 and 38, <i>for</i> Government Civil Pension and Leave Codes <i>read</i> Civil Service Regulations.	The Codes are now so called.
"	XX	Punjab District Boards Act, 1883.	In sections 28 and 29, <i>for</i> Government Civil Pension and Leave Codes <i>read</i> Civil Service Regulations.	The Codes are now so called.
1884	VI	Inland Steam-vessels Act, 1884.	In section 56, <i>for</i> to simple imprisonment <i>read</i> with simple imprisonment.	Clerical error.
"	XIII	Punjab Municipal Act, 1884.	In sections 31 and 32, <i>for</i> Government Civil Pension and Leave Codes, <i>and</i> in section 32 <i>for</i> Government Civil Pension Code, <i>read</i> Civil Service Regulations.	The Codes are now so called.
"	XVII	Lower Burma Municipal Act, 1884.	In sections 34 and 35, <i>for</i> Government Civil Pension and Leave Codes <i>read</i> Civil Service Regulations.	The Codes are now so called.

THE SECOND SCHEDULE—*contd.*Part I.—Acts of the Governor General in Council—*contd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1886	XII	Petroleum Act, 1886.	In section 1, sub-section (3), for The provisions of this Act read Sections 1 to 4 of this Act and the provisions.	This amendment will remove doubts as to the repeal of Act VIII of 1881 and the operation of ss. 3 and 4 in places not notified under s. 1 (3).
"	XXIII	Dekkhan Agriculturists' Relief Act, 1886.	In section 10, sub-section (3), for the same section read section 58.	Necessitated by the proposed repeal of s. 10 (1) and (2), <i>supra</i> , p. 33.
1888	III	Police Act, 1888.	In section 2, sub-section (1), for the Bombay District Police Act, 1867, read or the corresponding law for the time being in force in the territories administered by the Governor of Bombay in Council.	Bom. Act VII of 1867 (except ss. 33 and 34) is repealed by Bom. Act IV of 1890, but the latter Act does not (yet) extend to Sindh, Aden or Perim.
"	VII	Civil Procedure Code Amendment Act, 1888.	In section 49, sub-section (2), for the same section read section 562.  In section 52, sub-section (2), for the same section read section 566.	Necessitated by the proposed repeal of ss. 49 (1) and 52 (1) [ <i>supra</i> , p. 35].
1889	V	Coroner of Madras.	In section 4, sub-section (2), for that Code read the Code of Criminal Procedure, 1882.	Necessitated by the proposed repeal of s. 4 (1), <i>supra</i> , p. 36.
"	XI	Lower Burma Courts Act, 1889.	For section 87 read the following:—  87. For the purposes of section 47 of the Appeals from orders under the Guardians and Wards Act, 1890, the Special Court constituted under Chapter V of this Act shall be deemed to be the High Court in respect of appeals from orders made by the Judge of the Town of Maulmain.	Necessitated by the repeal of Act XIII of 1874 by Act VIII of 1890.

THE SECOND SCHEDULE—*contd.**Part I.—Acts of the Governor General in Council—concl'd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1889	XVIII	Central Provinces Municipal Act, 1889.	In section 29, clause (f), <i>for used read use.</i>	Clerical error.
1890	III	Amending the Inland Steam-vessels Act, 1884, and the Indian Steam-ships Act, 1884.	In section 4, sub-section (2), <i>for the same section read section 11 of the said Act.</i> In section 17, sub-section (2), <i>for the same section read section 18 of the said Act.</i>	Necessitated by the proposed repeal of s. 4 (1), <i>supra</i> , p. 37. Necessitated by the proposed repeal of s. 17 (1), <i>supra</i> , p. 37.

THE SECOND SCHEDULE--*contd.**Part II.—Regulations of the Bengal Code.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1793	II	Collection of land-revenue.	In section 41, for Regulation XIV, 1793, read	Ben. Reg. XIV of 1793 is repealed by Act XVI of 1874. This reference is saved by the proviso to that Act, but <i>qu.</i> whether a reference to some corresponding unrepealed enactment should not be substituted. The Government of Bengal will be asked.
"	VIII	Decennial Settlement.	In section 62, clause fourth, for in the suits described in Section XXXIII, Regulation XIV, 1793, read	Ben. Reg. XIV of 1793 is repealed by Act XVI of 1874. This reference is saved by the proviso to that Act; but <i>qu.</i> whether it might not be repealed, or at any rate amended. The Government of Bengal will be asked.
"	XI	Inheritance ...	In section 3, for that section read section 2 <sup>(1)</sup> , and for Regulation XXV, 1793, read the Estates' Partition Act, 1876 <sup>(2)</sup> .	(1) Necessitated by the repeal of the former reference to s. 2 by Act XVI of 1874. (2) Ben. Reg. XXV of 1793 is repealed by Ben. Reg. XIX of 1814, and the latter Regulation by Ben. Act VIII of 1878. This reference is not saved.
"	XIX	Title to Non-bādshāhi Lākhirāj Grants.	In section 15, for all the rules, &c., read	See note opposite Ben. Reg. II of 1793, <i>supra</i> . The Government of Bengal will be asked how much of each of these sections can be repealed as obsolete.
"	XXXVII	Title to Bādshāhi Lākhirāj Grants.	In section 10, for all the rules, &c., read	
1794	III	Revenue arrears...	In section 16, for and the rules, &c., read	
1817	XII	Patwāris ...	In section 31, for Boards are read Board is.	Necessitated by the repeal of the words "the Board of Commissioners" by Act XVI of 1874.

THE SECOND SCHEDULE—*concl'd.*Part II.—Regulations of the Bengal Code—*concl'd.*

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Explanation.
1817	XX	Police	In the heading prefixed to section 29, for Commercial, Salt and Opium Departments read Opium Department, and for those Departments read that Department.  In section 29, clause twelfth, for Section XXXI, Regulation XIII, 1816, read Act XIII of 1857, section 21.	Necessitated by the repeal of references in the section to the Commercial and Salt Departments by Acts XVI of 1874 and XII of 1876, respectively.  Ben. Reg. XIII of 1816, s. 31, is repealed by Act XIII of 1857, and this reference is not saved.
1818	III	State Prisoners	In section 9, after situated insert and.	The word "and" was inadvertently repealed by Act XVI of 1874.
1819	I	Resumption of revenue-free lands.	In section 12, after belong insert he.  In section 26, clause second, for a appeal read an appeal.	Clerical error.  Necessitated by the repeal of the word "special" by Act XVI of 1874.
1823	VI	Indigo contracts.	In section 6, for a investigation read an investigation.	Necessitated by the repeal of the word "summary" by Act XVI of 1874.
1825	XIII	Settlement of resumed lakhirāj land.	In section 4, for the Regulations read the Regulation.  In section 5, for Regulations read Regulation.	Necessitated by the proposed repeal of the reference to Ben. Reg. XLI of 1795, <i>supra</i> , p. 46.  Necessitated by the proposed repeal of the references to Ben. Regs. XII of 1795 and XXXVI of 1803, <i>supra</i> , p. 46.

S. HARVEY JAMES,

Secretary to the Government of India.

## STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to repeal certain obsolete enactments and to make formal amendments in certain other enactments, with a view to the publication of revised editions of the General Acts and local Codes by the Legislative Department.

*The 15th October, 1890.*

ANDREW R. SCOBLE.

S. HARVEY JAMES,  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 20, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations or published under Rule 22.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th December, 1890:—

#### NO. 19 OF 1890.

#### *A Bill to amend the Indian Merchant Shipping Act, 1880.*

WHEREAS it is expedient to amend and add to the provisions of Chapter II of the Indian Merchant Shipping Act, 1880, respecting Unseaworthy and Unsafe Ships; It is hereby enacted as follows:—

1. (1) This Act may be called the Deck and Load Lines Act, 1891:

(2) It shall come into force on the ninth day of June, 1891.

2. To section 4 of the Indian Merchant Shipping Act, 1880 the following shall be added, namely:—

“Amidships” means the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.”

3. For sections 33 to 43, both inclusive, of the Indian Merchant Shipping Act, 1880, the following sections shall be substituted, namely:—

#### “Deck and Load-lines.”

33 (1) Every British Indian ship shall be permanently and conspicuously marked outside with lines of not less than twelve inches in length and one inch in breadth painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

(2) The upper edge of each of these lines shall be level with the upper side of the deck-plank next the waterway at the place of marking.

(3) The lines shall be white or yellow on a dark ground, or black on a light ground.

34. (1) The master of every British ship not being a coasting-vessel within the meaning of the Sea Customs Act, 1878, VIII of 1878, shall, before his ship is entered outwards from any port in British India upon any voyage, or if that is not practicable, as soon after as may be, mark outside upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

(2) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt water to which it shall be lawful to load the ship.

(3) When a ship has been marked as by this section required, she shall be kept so marked until she next returns to a port of discharge in British India or arrives at a port in the United Kingdom.

35. (1) The person applying for entry of any such ship outwards shall insert, in the form of application made to the Customs-collector, a statement in writing of the distance in feet and inches between the centre of such disc and the upper edge of each of the lines indicating the position of the ship's decks which is above such centre; and if default is made in delivering this statement, the Customs-collector may refuse to enter the ship outwards.

(2) A copy of this statement shall be entered in the agreement with the crew before it is signed by any member of the crew; and a shipping-master shall not proceed with the engagement of the crew until this entry is made.

(3) The master shall enter a copy of this statement in the official log-book (if any).



36. (1) The master of every British ship which is a coasting vessel within the meaning of the Sea Customs Act, 1878, shall, before proceeding to sea from any port, mark outside upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

(2) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt water to which it shall be lawful to load the ship.

(3) When a ship has been marked as required by this section, she shall be kept so marked until notice is given of an alteration.

37. (1) The master of every such ship shall also once in every twelve months, immediately before the ship proceeds to sea, send or deliver to the Collector, or other principal officer of Customs of such port as the Local Government may, from time to time, appoint in this behalf, a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre.

(2) The master before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the Collector or other principal officer of Customs aforesaid notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(3) If default is made in sending or delivering any notice or statement required by this section to be sent or delivered, the master shall be punished with fine which may extend to one thousand rupees.

38. The foregoing provisions of this Chapter with respect to deck and load-lines are subject to the provisions of the two next following sections.

39. (1) The position of the disc mentioned in section 34 and section 36 shall be fixed in accordance with the tables framed by the Load-line Committee

appointed in the United Kingdom before the passing of the Merchant Shipping Act, 1890, subject to such allowance as may be made necessary by any difference between the position of the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, and the position of the line from which free-board is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may from time to time, with the previous approval of the

Governor General in Council, be sanctioned by the Local Government.

(2) The Local Government shall appoint either a Surveyor employed by Lloyd's Register of British and Foreign Shipping, or an officer specially selected by the Local Government for the purpose, to approve and certify on its behalf from time to time the position of any such disc as aforesaid, and any alteration thereof, and may fix fees to be taken in respect of any such approval or certificate.

40. (1) The Local Government may from time to time make rules—

(a) determining the lines or marks to be used in connection with any such disc as aforesaid, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that the provisions of this Chapter are to have effect as if any such line were drawn through the centre of the disc;

(b) as to the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise;

(c) as to the mode of application for, and form of, certificates under this Chapter; and

(d) requiring the entry of such certificates, and other particulars as to the draught of water and freeboard of the ship, in the official log (if any) of the ship, or other publication thereof on board the ship, and as to delivering copies of such entries.

(2) All such rules shall, while in force, have effect as if enacted by this Act.

41. Any master of a ship who neglects to cause his ship to be marked as by this Chapter required, or to keep her so marked, or who allows the ship to be so loaded that when in perfectly smooth salt-water the centre of the disc is submerged,

and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the lines or marks prescribed by or under this Chapter, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy,

shall be punished for each such offence with fine which may extend to one thousand rupees.

42. If any of the lines or marks prescribed by or under this Chapter is in any respect inaccurate so as to be likely to mislead, the master of the ship shall be punished with fine which may extend to one thousand rupees.

43. The provisions of this Chapter as to load-lines shall not apply to ships coming from ports in the United Kingdom and marked with such lines in accordance with the provisions of the law for the time being there in force.

### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to apply to British India (subject to the exceptions set forth in Act VII of 1880, sections 3 and 43) those provisions of the Statute 53 Vict., cap. 9, sections 1 and 2, respecting load-lines, which apply to ships about to enter outwards from ports in the United Kingdom and to ships employed in the coasting trade on the coasts of that Kingdom.

2. A copy of the Statute, of the tables framed by the Load Line Committee in 1885, of the Report of that Committee, and of the Instructions issued by the Board of Trade to Officers in British Possessions abroad (including the regulations made by the Board of Trade under the Statute) is appended to this Statement.

The 16th December, 1890.

D. BARBOUR.

## LOAD-LINE COMMITTEE.

TO HIS GRACE THE DUKE OF RICHMOND AND GORDON, K.G., &c., PRESIDENT  
OF THE BOARD OF TRADE.

MY LORD DUKE,

In pursuance of the request of the late President of the Board of Trade (the Right Hon. Joseph Chamberlain, M.P.), we have given our most careful consideration to the following questions respecting the determination of the load-lines of merchant ships, and have the honour to report thereon, as follows:—

The questions put to us were—

- "(1) Whether it is now practicable to frame any general rules concerning freeboard which will prevent dangerous overloading without unduly interfering with trade?
- "(2) If so, whether any, and which, of the existing tables with any, and what alterations, or any other, and what tables should be adopted?
- "(3) How far any such tables can be adopted as fixed rules, and what amount of discretion must be left to the officers who have to see that they are complied with?"

Before replying to these questions, we deemed it desirable (notwithstanding the close and technical acquaintance with merchant ships, and with the conditions of safe loading, which members of the Committee from their avocations necessarily possess) that we should together visit the principal mercantile ports, and there make joint observations of the load-lines at present marked upon ships, and of the nature and extent of the actual loading practised. We also thought it well to avail ourselves of the opportunities thus afforded for conferring freely with shipowners, managers, masters, seamen, and others connected with the mercantile marine, and of receiving from them such evidence as they were willing to offer. We have likewise taken in London a considerable body of evidence. In order that your Grace may readily observe how numerous and how experienced have been the witnesses who have thus voluntarily contributed to the fulness of our information, we append to this report a list of their names.

Mr. Thomas Gray, C.B., and Sir Digby Murray, Bart., and likewise Mr. Benjamin Martell and Mr. T. B. Royden have furnished all such information upon the subject as the large resources of the Board of Trade and of Lloyd's Register Office, and of the Liverpool Registry, respectively, have enabled them to supply.

As the result of our prolonged consultations and labours, we have unanimously arrived at the following replies to the questions before recited, *vis.*:—

1. We are of opinion that it is now practicable to frame general rules concerning freeboard, which will prevent dangerous overloading without unduly interfering with trade.

2. We have the pleasure to submit herewith tables which we consider should be adopted.

3. We are of opinion that these tables can be adopted, at least for all existing types of cargo vessels, and for some years to come, without the exercise of any other discretion on the part of the officers who have to see that they are complied with, than that which concerns the quality and condition of the ship. The freeboards assigned by the tables herewith are suitable for vessels of the highest class in Lloyd's Register, or of strength equivalent thereto, and should be increased for ships of inferior strength.

To the responsible authorities a large discretion must be allowed, *vis.*, that of applying the tables themselves with reasonable modifications to any very exceptional vessels which may now exist, or may hereafter be constructed.

For, careful as we have been to give full consideration to all actual types and sizes of vessels, we cannot but admit that undue interference with trade might occasionally arise were the tables to be applied henceforth to all ships, present and future, without any exception whatever. We are well aware that the discretion which we thus regard as necessary is such as should be exercised with very great skill, care, and judgment; but we see no reason why those charged with the responsible duty of preventing the overloading of merchant ships should not have at their command all needful assistance.

The tables submitted herewith are of the same general form as those hitherto adopted by Lloyd's Register Office, and, like them, involve the reservation above water of a regulated minimum percentage of the total buoyancy. At the same time these tables secure that a sufficient height of deck above water to which the Board of Trade advisers have justly attached much importance. The views of the Board of Trade advisers concerning the value of forecastles, poops, and like deck erections, and the necessity for a liberal amount of freeboard in flush deck vessels which are deprived of such erections have likewise received our careful attention, and have had their due influence upon the tables submitted herewith. The same may be said with reference to the freeboards assigned to vessels of extreme proportions, and to vessels of very fine forms. The Board of Trade distinction between winter and summer freeboards has likewise, after the fullest consideration, been adopted.

The tables as now submitted involve only such limited modifications of the freeboards assigned by the latest tables of Lloyd's Register Office as Mr. Benjamin Martell is able to freely accept and cordially concur with. The same may be said of the extension of the tabular forms by the addition thereto of corrections for changes of length and for voyages in summer, and in the North Atlantic in winter.

In the tables submitted, the definitions of length, breadth, depth, sheer, round of beam and freeboard, have undergone revision. The changes introduced have been made for the purpose of simplifying the assignment and marking of freeboards, and although they modify in one or two points the directions of the fourth section of the Merchant Shipping Act of 1873, and may therefore render legislation necessary, the measure required would be of so brief, simple, and non-contentious a character as to render its passage easy.

It will be observed by the tables that they refer exclusively to cargo-carrying vessels. We have not considered it necessary to carry our investigations into the differences which may be made in the loading of passenger vessels. But it must be understood that under any circumstances those tables contain the maximum loading that should be permitted to any class of vessel.

In view of the unanimity with which we have arrived at our results, it is deemed unnecessary to trouble your Grace with the evidence which has been taken, or with the information prepared and contributed by the various members of the Committee for its guidance from time to time.

In closing our labours which were commenced in January 1884, and have since proceeded continuously, we cannot but express our great satisfaction at the attainment of the unanimity just referred to. The subject placed before us by your Grace's predecessor was one of extreme complexity and also one which had come to be regarded with much diversity of view (as was natural where the profit and loss of the largest commercial operations ever carried on upon the sea are involved), and therefore it would not have been surprising if we had failed to arrive at conclusions which we could all accept. But by thoroughly considering every important point as it has arisen, and by making reasonable concessions to each other on matters of opinion, we have succeeded in arriving unanimously at our results. As the Board of Trade, Lloyd's Register Office, and the Liverpool Registry are all represented upon this Committee, the importance of this concurrence will be manifest.

We have the honour to be,

My Lord Duke,

Your Grace's obedient Servants,

(Signed)	E. J. REED, <i>Chairman.</i>
"	W. DENNY.
"	ROBT. DUNCAN.
"	JAMES DUNN.
"	FRANCIS ELGAR.
"	THOMAS GRAY.
"	WILLIAM GRAY.
"	JAMES LAING.
"	B. MARTELL.
"	DIGBY MURRAY.
"	T. B. ROYDEN.
"	THO. SUTHERLAND.

(Signed) REGINALD BINGHAM,

*Secretary.*

TO HIS GRACE THE DUKE OF RICHMOND AND GORDON, K.G., &c., PRESIDENT OF  
THE BOARD OF TRADE.

MY LORD DUKE,

It appears to the members of the Load-Line Committee who are unconnected with the Board of Trade that it would be advisable to add to the Report of that Committee, now submitted for your Grace's consideration, the following observations:—

It is not assuming too much to say that the origin of this Committee may be traced to the confusion caused by differences of opinion which frequently arose between shipowners and the Board of Trade with respect to the proper loading of vessels. It had become necessary, both in the interests of shipowners and for the satisfactory working of the department charged with the duty of preventing overloaded vessels from proceeding to sea, that an end should be put to a state of tension and uncertainty with regard to what should be considered a safe and proper load-line for vessels, more especially for those engaged in carrying heavy cargoes.

If the labours of the Committee should be considered by your Grace to have resulted in a settlement of this most difficult question, it seems necessarily to follow that a compulsory load-line, based on the tables now submitted, should at no distant date be enforced. It is under this impression that we venture to draw your Grace's attention to one or two matters which, although they may not have come strictly within the scope of our inquiry, are, we believe, nevertheless of vital importance to the ultimate success of our work.

The first matter to which we would refer is that if a compulsory load-line should be resolved upon, it will be necessary to apply the same limitations to vessels under foreign flags as to our own vessels when loading in this country or in the colonies of Great Britain. We allude to this, which would seem indeed to be an obvious necessity, because it has been brought before us in evidence that foreign vessels are frequently grave offenders in respect to overloading. It will be for your Grace's consideration whether it may be possible to establish an understanding with the leading Maritime Powers on the subject; but at all events it will, in our opinion, be impossible to enforce compulsory load-lines on the merchant ships of this country without at the same time requiring their application in British and colonial ports to ships under other flags competing with them.

The next matter to which we would refer is that, in our opinion, if a compulsory load-line is to be enforced, it will be essential to constitute a public authority competent to administer such a measure in a manner that will command the fullest confidence.

It has been carefully pointed out in the Report of the Committee that the tables which are now submitted must be applied "with very great skill, care, and judgment." It will, therefore, be necessary to secure some system of administration capable of giving due and well considered effect to the principles embodied in those tables, not only by a just application of such principles to the many and various types of ships which at present exist, but also by their adaptation to future changes and developments, which are certain to ensue from the progress of naval architecture.

In our judgment, it would only tend to failure to entrust the task which we describe to any purely official administration. The duty of assigning compulsory load-lines, if it is to be undertaken, must, we consider, be entrusted to some body of a more representative character, which should consist not only of officials, but also of gentlemen who, as shipowners, naval architects, seamen, and perhaps underwriters, would bring to bear on this work great knowledge and experience, and who, by reason of that knowledge and experience, and also of their high standing in their several professions, would ensure such a fulfilment of the duty confided to them as would command the confidence of the country.

In stating this as our conviction, it is needless to say that we do not intend to imply that the authority or Council which we suggest should be independent of the Minister responsible to Parliament; but we believe that it will be absolutely necessary for the Minister to have the assistance of such a body as we have described, to enable him to give effect to a compulsory load-line system. We do not consider that there would be any great difficulty in constituting the authority which we thus distinctly advocate.

It only remains for us to add that a compulsory load-line system will also demand scientific as well as practical knowledge on the part of the staff engaged in the work, not only in London, where, we presume, the final determination of freeboard will have

to be carried out, but also at the outposts where primary investigations must necessarily take place.

We have the honour to be,  
My Lord Duke,  
Your Grace's obedient Servants,  
(Signed) E. J. REED, *Chairman*.  
" WM. DENNY.  
" ROBT. DUNCAN.  
" JAMES DUNN.  
" FRANCIS ELGAR.  
" WILLIAM GRAY.  
" JAMES LAING.  
" B. MARTELL.  
" T. B. ROYDEN.  
" THO. SUTHERLAND.

DEAR SIR,

*Board of Trade,  
14th August, 1885.*

I have duly received and presented to Parliament the Report of the Load-Line Committee, together with the tables accompanying it, and I shall give the Report careful and immediate consideration.

I cannot, however, allow any time to elapse after receiving the first complete record of your valuable inquiry without begging you to accept on your own account as Chairman of the Committee, and to convey to your Colleagues the best thanks of Her Majesty's Government for the manner in which this most difficult and complicated investigation has been conducted, and for the great amount of ability and labour which has been ungrudgingly bestowed upon it by every one of its members during the last eighteen months.

I am well aware that when my predecessor, Mr. Chamberlain, invited the Committee to undertake this important task, their time and attention were already largely engaged by business, and that it was asking them to make no inconsiderable sacrifice of their private convenience for the general good. But it was felt with confidence that the consideration of the serious interest of this matter to the great shipping interests of this country would be a sufficient inducement to them to give the subject such an amount of care and attention as was necessary to bring their labours to a satisfactory conclusion.

That care and attention have been ungrudgingly bestowed, and the unanimous conclusion at which you have arrived on a subject which has caused so much difficulty to the Shipping Interest and to the Department over which I have the honour to preside, satisfies me that the expectations thus entertained were fully justified.

I have now the pleasure of congratulating the Committee upon the conclusion of their labours, and to beg that you and your colleagues accept my personal thanks, in addition to those of the Government, for the invaluable aid which they will have afforded to me as President of the Board of Trade in my responsible duties with respect to this difficult subject.

I am,  
Dear Sir,  
Your obedient Servant,  
(Signed) RICHMOND AND GORDON.

To Sir Edward Reed, K.C.B., M.P.

SIR,

*14th August, 1885.*

I HAVE to acknowledge the receipt of the letter signed by yourself and other non-official members of the Load-Line Committee which accompanied the unanimous report of that Committee.

The subjects to which this letter relates are of the gravest importance, and will, of course, receive careful consideration at my hands. But they fall within the scope of the Royal Commission now sitting, and will be laid before that Commission with such further evidence as may be necessary.

Under these circumstances, and until that Commission reports, it would be premature to attempt to discuss your letter at length.

I am,  
Sir,  
Your obedient Servant,  
(Signed) RICHMOND AND GORDON.

To Sir Edward Reed, K.C.B., M.P.

*Board of Trade (Marine Department),  
Whitehall Gardens, S. W.,  
December, 1883.*

SIR,

I am directed by the Board of Trade to call the attention of  
to the enclosed memorandum on the  
subject of a load-line for merchant ships.

Under the circumstances stated in this memorandum, it appears to the Board of Trade to be time to take a further step, and they propose to submit to a departmental committee, consisting of representatives of the public and of the interests concerned, the following questions:—

- (1) Whether it is now practicable to frame any general rules concerning freeboard, which will prevent dangerous overloading, without unduly interfering with trade?
- (2) If so, whether any, and which, of the existing tables, with any, and what, alterations, or any other and what tables should be adopted?
- (3) How far any such tables can be adopted as fixed rules, and what amount of discretion must be left to the officers who have to see that they are complied with?

I am,

Sir,

Your obedient Servant,

T. H. FARRER.

#### **Memorandum on Load-Line for Merchant Ships.**

From the time of the appointment of the Unseaworthy Ships Commission to the present time, the question of overloading has been prominent, and has engaged the constant attention of the Board of Trade. When Parliament thought fit to invest the Board of Trade and its officers with the power of detaining unseaworthy ships, it became their duty to detain ships which appeared to them to be dangerously overladen. In doing this, it was desirable, if possible, to act on certain principles, and it has been the constant endeavour of the Board to arrive at such principles, and to procure the co-operation of the shipping interest in so doing.

In 1875 they invited the Committee of Lloyd's Register, which so largely represents the shipping interest, and the Committee of the Liverpool Underwriters Registry, to appoint a committee consisting of representatives of the two registries and of the Board of Trade to consider the question of load-line. That Committee, after holding several meetings, broke up, because the representatives of Lloyd's Register could not agree with the Liverpool representatives upon the elements of the question to be discussed.

In the meantime, it was necessary for the Board of Trade to act, and, as their officers required instructions, a certain set of tables of freeboard were prepared, which have been the subject of much misapprehension. They were not, as has sometimes been supposed, hard and fast rules, nor were they prepared or used as final decisions of the Board. They were not in the first instance even promulgated or published, but were given to the staff of the Board as tentative rules, and as points of departure, in the application of which to particular cases the officers of the Board were desired to use their own judgment.

But the difficulty which is inseparable from the exercise of a discretionary power, and which has been experienced by the Board of Trade in many other similar cases, soon arose. Complaints were made of the discretionary powers of the Board's officers, and shipowners expressed their desire, not only to know what were the principles on which these officers acted, but to have those principles made definite in their application, so that they might be able to know, before loading, whether their ships would be detained or no. This desire appeared to the Board reasonable, and although the difficulties of preparing fixed rules of freeboard remained as great as before, the Board did their utmost to comply, by issuing to the Trade the tables above referred to. But in thus complying with the desire of the Trade, the Board did not issue these tables as final conclusions: on the contrary, they expressly invited that criticism which has been so abundantly given.

A further step in the same direction has been taken by the Committee of Lloyd's Register in issuing a set of tables prepared by their own officers. These tables also were issued as tentative, and not as hard and fast rules, and although, as might be expected in rules issued by a body which largely represents the shipping interest, they have been less hostilely criticised by members of that interest than the rules of the Board of Trade, they have not met with universal approval.

Under these circumstances, it appears to the Board of Trade that it is time to take a further step, and they propose to appoint another departmental committee to consider this subject.

In doing this, it is scarcely necessary to insist on the difficulties of the question, or on the various points which will have to be taken into consideration. But it may be useful to advert shortly to one or two points of importance.

So long ago as 1870 a report of the Council of the Institution of Naval Architects was presented to Parliament, containing a strong recommendation that a certain minimum freeboard should be required. What that freeboard would be, is shown by the following paragraphs of that report:—

*Extract from Parliamentary Paper, 157—1870, referred to above.*

\* \* \* \* \*

"There is a minimum height of freeboard which cannot be safely reduced in sea-going ships of ordinary fitment, and it is desirable to fix this minimum height. Freeboard should be understood to be the vertical height of the upper surface of the upper deck (not spar deck) at the side, amidships, above the load water-line. The proportion of freeboard should increase with the length. One-eighth of the beam is a minimum freeboard for ordinary sea-going ships of not more than five breadths to the length, and  $\frac{1}{8}$  of the beam should further be added to the freeboard for each additional breadth in the length of the ship; this would give—

"for a ship of 32 feet beam and 160 feet long, 4 feet freeboard;

"for a length of 192 feet, 5 feet freeboard;

"for a length of 224 feet, 6 feet freeboard;

"for a length of 256 feet, 7 feet freeboard, the beam remaining the same, but as the addition of a spar-deck on long vessels may be considered an equivalent or substitute for the increased freeboard required for extra length, a complete spar-deck would leave the freeboard of these extra lengths at the original height of 4 feet.

"It is not considered desirable to offer any recommendations with regard to poops and fore-castles. It must depend entirely upon the professional judgment of the designer of a ship, whether, looking to her proportions, form, and purpose, the additions of poop and fore-castle are expedient and safe. In general, where poops and fore-castles are adopted, they should be closed and seaworthy, but their weight may be inexpedient in long fine ships; and there are cases where a light topgallant fore-castle (*i.e.*, an open fore-castle raised above the level of the upper deck) may be useful in keeping heavy seas out of the ship. In general, spar-decks in long ships are preferable to poop and fore-castle, and no diminution of freeboard should be allowed for a poop or fore-castle."

The above passage is important, since it shows what is the freeboard which a few years since an important scientific body considered necessary for safety. That freeboard starts with four feet as a minimum freeboard for ordinary merchant ships, and in spar-decked ships would require the whole height of the space between the main-deck and the spar-deck to be added to the minimum of four feet. The freeboards deemed then necessary by this body are so greatly in excess of the present practice of shipowners, or of anything that has ever been required of them, as to show either that the Institute of Naval Architects at the time they made their report was altogether at variance with the practice of the trade, or that the freeboard in actual use has greatly diminished in the course of the few years during which the question has been under discussion. In either event, the difference above referred to illustrates the difficulty of the subject.

It must be remembered that this question cannot be regarded from a shipowner's point of view alone. If the interest of the shipowner in bringing home his ship safe were in all cases such as to make that his first object, no legislation and no rules would be necessary. But, under the present state of the law, this is not the case; and the interest of the public, and of the men whose lives are at risk, will be sacrificed, unless the rules are such as to compel the reckless and ignorant to do that which they would not otherwise do. Any rules which are founded on the experience of the inferior class of shipowners will be an evil, and will lower instead of raise the standard.

In the case under consideration, this primary difficulty is much increased by the number of varying data which have to be taken into consideration. Thus the dangers from overloading may be stated to include the following, *vis.*—

1. The decks may be swept by the sea and the crew washed off.

2. The sea may pour on to the deck faster than the freeing ports will relieve it and get into the ship through hatchways or other insufficiently protected openings.

3. The ship may be so heavy that a very slight addition to her weight may sink her.

4. The ship may be deficient in stability.

5. The ship may be too weak in construction to bear the strain of heavy cargo.

The dangers above referred to vary according to many varying causes, besides the mere depth of the ship in the water. All the following are different factors which have to be taken into consideration:—

1. General form and size of ship.

2. Form of the ship below water.

3. Form and construction of deck.

4. Strength of the hull.

5. Construction and strength of hatchways and all other deck openings.

6. Means of escape for water on deck.

7. Nature as well as weight of cargo.

8. Relative position and stowage of different parts of cargo.

9. Nature of voyage.

10. Probable weather or voyage, remembering that the seasons differ in different parts of the world.

Out of these, the first six alone can be known when the ship is built. The last four differ from time to time, and any rule as to load-line must be so made and applied as to vary accordingly.

Thus it is obvious that the number and variety of the dangers to be avoided, and of the different factors to be taken into consideration, make the compulsory determination of load-line one of very peculiar difficulty. And the difficulty is made more formidable by the important consequences which will arise from any mistake. If the load-line is fixed too low, it is a serious detriment to the carrying powers of British ships. If fixed too high, it is a legislative sanction of a dangerous practice.

BOARD OF TRADE,  
21st November 1883.



**LIST OF WITNESSES WHO HAVE GIVEN EVIDENCE BEFORE THE  
LOAD-LINE COMMITTEE.**

Date.	Place.	Witness.
February 8th, 1884	London	Mr. David MacIver, M.P.
February 21st, 1884	Hull	Mr. Wm. Bailey.
"	"	" J. R. Ringrose.
"	"	Capt. Tully.
"	"	Mr. Charles H. Wilson, M.P.
February 22nd, 1884	W. Hartlepool	Capt. R. D. Clark.
"	"	" Coleman.
"	"	Mr. E. Cory.
"	"	Capt. Dew.
"	"	" Dixon.
"	"	Mr. Matthew Gray.
"	"	" G. J. H. Hogg.
"	"	" George Horsley.
"	"	" T. S. Hudson.
"	"	" R. M. Middleton.
"	"	" R. Ropner.
"	"	" Philips.
"	"	" Edward Withy.
"	"	Capt. Wood.
March 6th, 1884	Newcastle	Capt. Manson.
"	"	" McNabb.
"	"	Mr. Renwick.
"	"	" W. D. Stephens.
"	"	" Alex. Taylor.
"	"	Capt. Turpin.
"	"	Mr. Whitfield.
March 7th, 1884	Sunderland	Mr. J. Darney.
"	"	" James Horn.
"	"	" Macoll.
"	"	Capt. Pinkney.
"	"	Mr. D. G. Pinkney.
"	"	" F. Ritson.
"	"	" John Sanderson.
"	"	" John Young Short (per Mr. Roche).
"	"	" Robert Thompson.
March 21st, 1884	Glasgow	Capt. Michael Breakenridge.
"	"	Mr. John M. Campbell (of Messrs. Brown and Watson).
"	"	" Thomas Carmichael.
"	"	" J. D. Clink.
"	"	" Robert Craig.
"	"	" Nathaniel Dunlop.
"	"	Capt. Alex. Ellis.
"	"	Mr. George Gallilee.
"	"	" T. C. Guthrie.
"	"	" A. C. Henderson (Anchor Line).
"	"	" James Lilburn.
"	"	" D. McDougall.
"	"	" W. E. McLaren.
"	"	" Ben. Normand.
"	"	" W. H. Raeburn.
"	"	" Geo. Smith (City Line).
"	"	Capt. Turnbull.
"	"	" John Young.
March 22nd, 1884	Leith	Mr. James Currie.
"	"	Capt. Hossack.
"	"	" Raeburn.
"	"	" Robertson.
"	"	" Simpson.
"	"	Mr. Somerville (on behalf of the Shipowners of Leith).

Date.	Place.	Witness.
April 9th, 1884	Liverpool	Mr. R. Alexander.
"	"	" Wm. Alexander.
"	"	" J. Henry Beazley.
"	"	" Brocklebank.
"	"	Capt. Crawford.
"	"	Mr. Cruickshank.
"	"	" Dixon.
"	"	" David Fernie.
"	"	" Robert Greenshields.
"	"	Capt. Hewitt, of White Star Line.
"	"	Mr. Joshua M. Heap.
"	"	" Alfred Holt.
"	"	" Wm. Johnston.
"	"	Capt. Kenney.
"	"	Mr. Wm. Lowden.
"	"	" L. H. Macintyre.
"	"	Capt. Paton.
"	"	Mr. James Poole.
"	"	" Wm. Ray.
"	"	" James Robinson.
"	"	" W. W. Rundell (Liverpool Registry).
"	"	Messrs. Thompson and Anderson.
"	"	" W. and R. Thomson.
"	"	Mr. Wm. Welsh.
"	"	" Henry West (Liverpool Registry).
"	"	" J. Whiting.
"	"	" John Williamson.
April 24th, 1884	Cardiff	Capt. J. H. Anning.
"	"	Mr. Charles Baine (of Dundee).
"	"	" John Robert Christie.
"	"	" Fred. Edwards.
"	"	Capt. Guthrie.
"	"	Mr. Alfred Holman.
"	"	Capt. Jackson Powley.
"	"	Mr. A. B. Tellefsen.
April 25th, 1884	Bristol	Capt. Evan Evans.
"	"	Mr. John Edwards.
"	"	Capt. Wm. Gummer.
"	"	Mr. Roger Moore.
"	"	Capt. Tomlinson.
"	"	Mr. Mark Whitwill.
"	"	" Charles Wills (Chamber of Commerce).
"	"	Capt. Thomas Young.
"	"	And the following seamen :—
"	"	Walter Cowper.
"	"	Daniel Lynch.
"	"	Capt. William Stamper.
"	"	" Thompson.
"	"	John Warden.
May 20th, 1884	London	Capt. Andrew, Superintendent of Oriental Steam Navigation Company.
"	"	Capt. Froud, deputed by Shipmasters Association of London.
"	"	Capt. Holt, deputed by Shipmasters Association of London.
"	"	Capt. Hutton, Superintendent of "Glen Line."
"	"	" T. Coulter Kerr, Surveyor of Shipping for the Government of India.
"	"	Mr. Stephen Williamson, M.P., of the Firm of Messrs. Balfour, Williamson, and Co.
May 21st, 1884	London	Capt. Cowie, Principal Officer of the Board of Trade for the East Coast of England, Hull.
"	"	Mr. James Fortescue Flannery, Consulting Engineer.
"	"	Capt. Kiddle, R.N., Principal Officer of the Board of Trade for the North of Ireland District, Dublin.
"	"	Mr. L. Mills, Principal Officer of the Board of Trade for the North-East District of England, North Shields.
"	"	Mr. T. W. Sweet, Shipowner.

Date.	Place.	Witness.
May 22nd, 1884	London . . .	Capt. Chalmers, Detaining Officer of the Board of Trade, West Hartlepool.
"	" . . .	Mr. John Corry, Shipowner.
"	" . . .	" James Dixon, Shipowner.
"	" . . .	" William Quiggin, Detaining Officer of the Board of Trade, Sunderland.
May 23rd, 1884	London . . .	Capt. Burgess, R.N., Detaining Officer, Middlesbro'.
"	" . . .	" John Smyth, late Detaining Officer, Swansea.
"	" . . .	" Wilcox, Principal Officer of the Board of Trade, Liverpool.
June 10th, 1884	London . . .	Mr. W. C. Rothery, Wreck Commissioner.
June 11th, 1884	London . . .	Mr. MacFarlane Gray, Chief Examiner of Engineers, Board of Trade.
"	" . . .	Mr. Philip Jenkins, Surveyor to Lloyd's Register of Shipping.
June 12th, 1884	London . . .	Mr. C. E. Parker Rhodes, late Acting-Consul at Havre, and Vice-Consul, Dieppe.

**EXPLANATION of the following TABLES of FREEBOARD for the various Types of STEAM and SAILING VESSELS.**

In the following tables the word Freeboard denotes the height of the side of a ship above the waterline at the middle of her length, measured from the top of the deck at the side, or, in cases where a waterway is fitted, from the curved line of the top of the deck continued through to the side. The freeboards and the corresponding percentages of reserved buoyancy necessary for flush-deck steamers not having spar or awning-decks for awning-deck steamers, and for flush-deck sailing vessels, are given in Tables A., C. and D. for vessels of these classes and of various dimensions and proportions. The freeboards necessary for spar-deck steamers are given in Tables B. The latter are determined by considerations of structural strength, and they denote the limitations to depth of loading which are thereby imposed upon first class vessels of this type. The freeboards and percentages of reserve buoyancy thus obtained being in excess of what would otherwise be required, the amounts of such percentages are not given in Tables B.

The exact freeboard required for a given ship belonging to any of the classes comprised in Tables A., C., and D., may be calculated by constructing a displacement scale to the height of the deck to which the freeboard is measured, so as to give the whole external volume up to the upper surface of that deck. The percentage of the total volume which is given in the tables as the reserve buoyancy for a vessel of given type and dimensions will be the amount of volume that must be left out of the water. If a water line be drawn upon the displacement scale aforesaid to cut off the given percentage of total volume, the height of side above this line will be the freeboard required.

In order to simplify and reduce the work that would be involved by the above mode of determining the water line and the consequent freeboard, that correspond to a given percentage of reserve buoyancy, an approximate method is adopted in the following tables, which enables the freeboard of a vessel to be calculated with a sufficient degree of accuracy for all ordinary working purposes. The use of this method not only saves the time and labour that would be involved by making a complete displacement scale for the whole external volume of a ship, but, what is much more important, it makes the tables easily and directly applicable in cases where such a displacement scale for a vessel is not at hand, or where the data requisite for constructing one is not procurable.

In this approximate method the form of the ship is taken into account by means of proportionate quantities, which are termed coefficients of fineness, instead of by the exact volumes that a displacement scale would give. It is found that the whole internal volume of a ship as measured for register tonnage divided by the product of the length, breadth, and depth, measured as described in the following clauses, 1, 2, and 3, gives a fractional quantity or coefficient which bears a nearly constant relation to the quantity that would be obtained by dividing the whole external volume below the upper surface of the deck by the product of the length, breadth, and depth. This fractional quantity is called the "coefficient of fineness" for freeboard purposes; and it serves the same practical object, when combined with the dimensions of the ship in the manner explained in the tables, as the volume itself would do.

In applying such an approximate method as the above, it is necessary to connect the coefficients of fineness given in the tables with a standard sheer and round of beam. The standard sheers for sheer and round of beam that have been adopted for this purpose are given in clauses 16 and 17 hereafter. Descriptions are also there given of the corrections that should be made for deviations from these standard amounts.

The freeboards given in the tables are for flush-deck vessels in all cases. Such reductions in freeboard as may be allowed for deck-erectations of various kinds and sizes in steamers not having spar or awning-decks, and in sailing vessels, are described in paragraphs 11, 12, 13, 14, and 15.

No reduction of freeboard should be allowed on account of deck-erectations in spar-deck and awning-deck steamers.

Tables A. and D. give the minimum freeboards for first class iron and steel vessels of the strength of which is at least equal to the requirements of the 100A class in Lloyd's Register for three-deck and smaller vessels. The freeboard of all other iron and steel vessels, classed or unclassed, should be regulated by the same standard; the increase of freeboard required in each case being

determined by the limit at which the stress per square inch upon the material of the hull amidships shall not exceed that of the standard class, of the same proportions, form, and moulded depth, when loaded to the freeboards required by Tables A. and D. Tables B. and C. give the freeboards for vessels built in accordance with or equal to the requirements of Lloyd's Register for the spar and awning-deck classes; and are subject to the conditions just stated for any modifications of strength in excess or diminution of the requirements of their respective classes.

1. *Length*.—The length of the vessel is measured on the load-line from the foreside of the stem to the aft side of the stern post in sailing vessels and to the aft side of the after post in steamers.

2. *Breadth*.—The breadth used in obtaining the coefficient of fineness is the extreme breadth measured to the outside of plank or plating as given in the Register Book, or on the certificate of the Ship's Registry.

3. *Depth of Hold*.—The depth used in obtaining the coefficient of fineness is the depth of hold as given in the Register Book, or on the certificate of the Ship's Registry. This dimension is subject to modification in determining the coefficient of fineness as explained in clause 4.

*Coefficient of Fineness*.—The coefficient of fineness in one, two, and three deck and spar-deck vessels is found by dividing 100 times the gross registered tonnage of the vessel below the upper deck by the product of the length, breadth, and depth of hold. In awning-deck vessels the registered depth and tonnage are taken below the main deck.

(a) It is of importance in the application of the rules and tables of freeboard that the coefficient of fineness deduced from the under-deck tonnage and the principal dimensions should be a correct index to the vessel's relative fineness of form, and that a change in any of these elements which affect the coefficient determined in accordance with the rule set forth should be considered, and the necessary correction, having regard to the special circumstances of the case, introduced. Among the cases that have from time to time come under notice are the following:—

(b) Vessel having a cellular bottom throughout, or floors of greater depth than those usually fitted. —In such a case the coefficient as determined from the under-deck tonnage is in most instances slightly greater than it would be if the vessel were framed on the ordinary transverse system with floors of the usual depth. No general rule can be given for guidance; but it is not difficult if the depth and slope of the top of the cellular bottom or floor be compared on the midship section with the depth and slope of an ordinary floor, to determine very closely the amount of the correction necessary.

(c) Vessel constructed with floors of the ordinary kind, but with a cellular bottom for a part of the length amidships under the engines and boilers. —In such a case the registered under-deck tonnage is smaller than it would be if the vessel were framed with ordinary floors throughout, the difference being the tonnage of the space between the top of the cellular bottom in the part amidships and the level of the ordinary floor. The depth of hold is also measured by the customs officials to the top of the cellular bottom, and this depth is inserted in the register. Under such circumstances, in order to arrive at the coefficient of fineness the vessel would have, if built on the ordinary system throughout, and for which the tables are framed, the tonnage of the volume between the top of the cellular bottom and the level of the ordinary floor should be calculated and added to the registered under-deck tonnage. The tonnage so corrected, used in conjunction with the depth of hold to the top of the ordinary floor, gives the coefficient to be used in the tables.

(d) Vessel constructed with a cellular bottom throughout the fore and after holds, but with floors of the ordinary kind fitted for a part of the length amidships under the engines and boilers. —In such a case the tonnage of the space between the top of the ordinary floors in the part amidships and the top of the cellular bottom, if made continuous, should be estimated and deducted from the registered under-deck tonnage, and the remainder employed in conjunction with the depth of hold to the top of the cellular bottom in determining the coefficient of fineness.

- (f) Other cases may in practice arise in which the registered under-deck tonnage, or the registered depth of hold, or both, require modification before being used in the determination of the coefficient of fineness, but little difficulty will be experienced in making the necessary correction if it be remembered that the coefficient sought is the coefficient the vessel would have if framed on the ordinary transverse system.

5. *Moulded Depth*.—The moulded depth of an iron or steel vessel, as given in the tables, is the perpendicular depth taken from the top of the upper deck beam at side, at the middle of the length of the vessel, to the top of the keel and the bottom of the frame at the middle line, except in spar and awning-deck vessels, in which the depth is measured from the top of the main deck beams. In wooden and composite vessels the moulded depth is taken to be the perpendicular depth from the top of the upper deck beam at the side of the vessel amidships to the lower edge of the rabbet of the keel.

- (a) The form at the lower part of the midship transverse section of many wooden and composite vessels being of a hollow character, as in cases where thick garboard strakes are fitted, the moulded depth in such instances should be measured from the point where the line of the flat of the bottom continued cuts the keel.

6. *Freeboard*.—The moulded depth, taken as above described, is that used in the tables for ascertaining the amount of reserve buoyancy and corresponding freeboard in vessels having a wood deck, and the freeboard is measured from the top of the wood deck at side, at the middle of the length of the vessel.

- (a) On the same principle, in *flush deck* vessels, other than spar or awning decked, and in vessels fitted with short poop and forecastle, having an iron upper deck, not covered with wood, the usual thickness of a wood deck should be deducted from the moulded depth of the vessel measured as above, and the amount of reserve buoyancy and corresponding freeboard taken from the column in the tables corresponding with this diminished moulded depth:—*Example*.—In a steamer fitted with an iron upper deck, not covered with wood, and having a moulded depth of 19 ft. 10 ins., four inches, or the usual thickness of a wood deck, must be deducted from this, leaving a depth of 19 ft. 6 ins. The freeboard for such a vessel with a coefficient of fineness of 0.76, taken from the column under 19 ft. 6 ins., is 3 ft. 8½ ins., which should be measured from the top of the iron upper deck.

- (b) In spar-deck vessels having iron spar decks, and in awning-deck vessels having iron main-decks, the freeboard required by the tables should be measured as if those decks were wood covered. Also in vessels where  $\frac{1}{8}$  ths. or more, of the main deck is covered by substantial erections, the freeboard found from the tables should be measured amidships from a wood deck, whether the deck be of wood or iron. In applying this principle

$\frac{1}{8}$ ths. of the length of the vessel, deduct 85 per cent.	of the reduction in the reserve buoyancy allowed for a complete awning-deck.
$\frac{1}{8}$ ths. " " " " " 75 "	
$\frac{1}{4}$ ths. " " " " " 63 "	
$\frac{3}{8}$ ths. " " " " " 50 "	

When the engine and boiler openings are protected only by a long raised quarter-deck, a less reduction in freeboard will be allowed.

- (b) For intermediate lengths of erections the amount of the reduction in freeboard should be ascertained by interpolation.
- (c) The above scale of allowance is prepared for vessels having long poops or raised quarter-decks, of less height, extending over four-tenths of the length, and forming an integral portion of the vessel, the amount of the allowance should be diminished, as shown in the following table:—

Height of raised quarter-deck.	Moulded Depth of Vessel in Feet.							
	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.
	10 0	12 0	14 0	16 0	18 0	20 0	22 0	24 0
1 ft. 6 in.	—	—	—	—	—	—	—	—
2 " 6 "	—	—	—	—	—	—	—	—
3 " 6 "	—	—	—	—	—	—	—	—
4 " 6 "	—	—	—	—	—	—	—	—
5 " 6 "	—	—	—	—	—	—	—	—
6 " 6 "	—	—	—	—	—	—	—	—
7 " 6 "	—	—	—	—	—	—	—	—
8 " 6 "	—	—	—	—	—	—	—	—
9 " 6 "	—	—	—	—	—	—	—	—

to vessels having shorter lengths of substantial enclosed erections, the reduction in freeboard, in consideration of its being measured from the iron deck, is to be regulated in proportion to the length of the deck covered by such erections. Thus, in a vessel having erections covering  $\frac{1}{8}$  ths. of the length, the reduction is  $\frac{1}{8}$  ths. of 36 inches, or 2 inches.

7. For vessels which trim very much by the stern, through the engines being fitted aft, the freeboard, as ascertained from the tables if set off amidships, would not cut off the amount of surplus buoyancy deemed necessary, and in such cases the suitable freeboard amidships could only be determined after full information is obtained regarding the vessel's trim.

8. The following example will illustrate the general application of the tables:—

In a steamer of the following dimensions, *viz.*, length 204 ft.; breadth, extreme, 26 ft.; depth of hold, 16 ft.; registered tonnage under deck, 602 tons, and moulded depth, 17 ft. 0 in., the under deck capacity in cubic feet is 68,200; by dividing this by 0.476, that is, the product of the length, breadth, and depth of hold, the quotient is 0.72, or the coefficient of fineness.

If we now refer to Table A, at 17 ft. moulded depth, and trace the line opposite the coefficient 0.72 to the column corresponding with this depth, it is found that the winter freeboard given for a *first class steam vessel without erections*, whose length is twelve times the moulded depth, is 2 ft. 11 ins., corresponding with a reserve buoyancy of 25 per cent. of the total bulk.

9. *Vessels of Extreme Proportions*.—For vessels whose length is greater or less than that of the vessel of the same moulded depth for which the tables are framed, the freeboard should be increased or diminished as specified in the footnote to the tables. Thus if the vessel in the example, clause 8, were 224 ft. long, the winter freeboard required would be 2 ft. 11 ins. plus 2 ins. or 3 ft. 1 in. For steam vessels with top-gallant forecastles, having long poops or raised quarter decks connected with bridge-houses, the whole extending over  $\frac{1}{8}$  ths. or more, of the length of the vessel, the correction for length should be one-half that specified in Tables A.

10. *Breadth and Depth*.—In framing the tables it has been assumed that the relation between the breadth and depth is such as to ensure safety at sea with the freeboard assigned when the vessel is laden with homogeneous cargo; for vessels of less relative breadth, the freeboard should be so increased as to provide a sufficient range of stability, or other means adopted to secure the same.

11. *Erections on Deck*.—For steam vessels with top-gallant forecastles having long poops, or raised quarter decks connected with bridge-houses, covering in the engine and boiler openings, the latter being entered from the top, and having an efficiently constructed iron bulkhead at the fore end, a deduction may be made from the reserve buoyancy given in the tables, according to the following scale:—

- (a) When the combined length of the poop, or raised quarter deck, bridge-house, and top-gallant fore-castle is—

of the difference between	of the reduction
Freeboards in Tables A (after correction for sheer), and Tables C.	in the reserve buoyancy allowed for a complete awning-deck.
$\frac{1}{8}$ ths. " " " " " 75 "	
$\frac{1}{4}$ ths. " " " " " 63 "	
$\frac{3}{8}$ ths. " " " " " 50 "	

- (d) For shorter lengths of raised quarter-deck a proportionate increase should be made.

(e) It is to be understood in the application of this scale of allowance for erections on deck to vessels with long poops, or with raised quarter-decks, and bridge-houses combined, that the deduction is a *maximum* deduction, applicable only to vessels of these types in which the erections are of a most substantial character, the deck openings most effectually protected, and the crew are either berthed in the bridge-house, or the arrangements to enable them to get backwards and forwards from their quarters are of a satisfactory character. For other vessels of the same class, the amount of the deduction should be fixed only after a careful survey. Also such vessels when employed in the Atlantic trade will require to have specially provided greater freeboard than that given in the tables.

- (f) A sufficient number of clearing ports, as large as practicable, and with shutters properly hung, should be formed in the bulwarks of these vessels, between the fore-castle and the bridge-house, for the purpose of speedily clearing this part of the deck of water.

12. When the erections on a vessel consist of a top-gallant fore-castle, a short poop having an efficient bulk-head, and bridge-house disconnected, the latter in steamers covering the engine and boiler openings, and being

efficiently enclosed with an iron bulkhead at each end, a deduction may be made from the reserve buoyancy given in the tables according to the following scale:—

(a) When the combined length of the erections is—

$\frac{1}{10}$ ths of the length of the vessel, deduct 40 per cent.	{ of the reduction in reserve buoyancy allowed for a com- plete awning-deck. }	or	$\frac{1}{10}$ ths	{ of the difference between the Free- boards in Tables A (after correction for sheer and length) and Tables C (after correction for length).
$\frac{1}{10}$ ths " " " " 33 "			$\frac{1}{10}$ ths	

13. When the erections on a vessel consist of a top-gallant fore-castle and bridge-house only, the latter in steamers covering the engine and boiler openings, and being efficiently enclosed with an iron bulkhead at each

end, a deduction may be made from the reserve buoyancy given in the tables according to the following scale:—

(a) When the combined length of the erections is—

$\frac{1}{10}$ ths of the length of the vessel, deduct 30 per cent.	{ of the reduction in reserve buoyancy allowed for a com- plete awning-deck. }	or	$\frac{1}{10}$ ths	{ of the difference between the Free- boards in Tables A (after correction for sheer and length) and Tables C (after correction for length).
$\frac{1}{10}$ ths " " " " 25 "			$\frac{1}{10}$ ths	

14. When the erections on a vessel consist of a short poop and top-gallant fore-castle only, the former enclosed at the fore-end with an efficient bulkhead, the deduction

from the reserve buoyancy given in the tables should be according to the following scale:—

(a) When the combined length of the erections is—

$\frac{1}{10}$ ths of the length of the vessel, deduct 8 per cent.	{ of the reserve buoyancy }	or	30 per cent.	{ of the Freeboard required for the vessel flush-decked after correction for length.
$\frac{1}{10}$ ths " " " " 6 "			8 per cent.	

and so on in proportion.

15. When a vessel is fitted with a top-gallant fore-castle only, the reduction in reserve buoyancy should be one-half that prescribed by the previous paragraph for the case

where, in addition to the fore-castle, the vessel is fitted with a poop of the same length.

16. *Sheer.*—The tables are framed for vessels having a mean sheer of deck measured at the side, as shown in the following table:

	Length over which Sheer is measured.						
	100	150	200	250	300	350	400
	Mean Sheer in inches over the length specified.						
<i>Flush-deck Vessels.</i> —Sheer to be measured abreast stem and sternpost . . . . .	30	35	30	35	40	45	50
<i>Vessels having Short PooPs and Fore-castles.</i> —Sheer to be measured at points distant $\frac{1}{10}$ th the length of the vessel from each end . . . . .	24	18	22	26	30	34	38
<i>Vessels having Short Fore-castles only.</i> —Sheer to be measured abreast the sternpost and at a point distant $\frac{1}{10}$ th the length from the stem . . . . .	14 $\frac{1}{2}$	18 $\frac{1}{2}$	23	27	31	35 $\frac{1}{2}$	40

(a) In flush-deck vessels and in vessels to which clauses 11 and 12 apply, when the sheer of deck is greater or less than the above, and is of a gradual character, divide the difference in inches between it and the mean sheer provided for by 4, and the result in inches is the amount by which the freeboard amidships should be diminished or increased according as the sheer is greater or less.

(b) In vessels having short poods and fore-castles, and in those having short fore-castles only, the freeboard should be corrected in respect of the excess or of deficiency in reserve buoyancy due to variations in sheer from the standard amount over the length uncovered by substantial erections, as provided in the above table. One-fourth the difference between the mean sheer specified and that measured as described is approximately the amount by which the freeboard should be modified in respect of sheer.

(c) The divisor 4 is to be used when the sheer is of a gradual character, and is not strictly applicable either to those cases in which the sheer is suddenly increased at the bow or stern, or to those in which it does not maintain its normal rate of increase to the ends of the vessel.

(d) In all cases the rise in sheer forward and aft is measured with reference to the deck at the middle of the length, and where the lowest point of the sheer is abaft the middle of the length, one-half of the difference between the sheer amid-

ships and the lowest point should be added to the freeboard specified in the tables for flush-deck vessels, and for vessels having short poods and fore-castles only.

(e) Where, as in some instances, vessels fitted with long poods or raised quarter decks connected with bridge-houses have the deck line rising rapidly from amidships to the front of the bridge, and from that point onwards gradually approaching the normal sheer line, the freeboard may be slightly modified in consideration of the increase of height of deck in the "well."

(f) In flush-deck vessels and in vessels having short poods and fore-castles the excess of sheer for which an allowance is made shall not exceed one-half the total standard mean sheer for the size of ship.

(g) No decrease should be made in the freeboard of spar and awning-deck vessels in respect of excess of sheer.

17. *Round of Beam.*—In calculating the reserve of buoyancy, an allowance has been made of one quarter of an inch for every foot of the length of the midship beam for the round up. When the round of the beam in flush-decked vessels is greater or less than given by this rule, divide the difference in inches by 2, and diminish or increase the freeboard by this amount. For vessels with erections on deck the amount of the allowance should depend on the extent of the main deck uncovered. This rule for round of beam does not apply to spar or awning-deck vessels.

18. As a general illustration of the way in which the tables should be used in modifying the freeboard on account of erections on deck, extreme proportions and variations in sheer, the following may be taken as an example:

A vessel is 234 ft. long, 29 ft. broad, and has a moulded depth of 17'0 ft., the coefficient of fineness being .72. Suppose the vessel to have a poop and bridge-house of the united length of 121 ft., and a fore-castle 20 ft. in length, and let the sheer forward, measured at the side, be 4 ft. 6 ins. and aft 2 ft. 1 in.

	Ft. in.
Freeboard by Tables A if of the normal length, without erections, and with the normal amount of sheer	3 11
The mean sheer by rule is 32'4 ins., or 6 ins. less than that in the vessel, and the reduction in freeboard is 6 ins. divided by 4	0 1½
Freeboard of vessel without erections and with 32'4 ins. mean sheer	2 9½
Freeboard by Tables C as awning decked	1 4½
Difference	1 5

The combined length of the erections is 141'6ths or 23'6ths of the length of the vessel, and the allowance for erections under clause 11 will be therefore 141'6ths of 17 ins., or 84 ins.

Deduct.

In.

We have therefore—

Amount deducted from freeboard for excess of sheer	1½
Amount deducted from the freeboard for erections	8½
Amount deducted if vessel be fitted with an uncovered iron main-deck (clause 6) = 7½ × 3½	1
	12

Deduct.

In.

The length being 30 ft. in excess of that for which the tables are framed, the addition to the freeboard in respect of the same is one-half of 13ths of 2 ins., or

1½

10½

That is, 10½ ins. to be deducted from 2 ft. 11 ins., leaving a winter freeboard of 2 ft. 0½ in.

Corresponding summer freeboard 1 ft. 10½ ins.

19. Vessels loaded in fresh water may have less freeboard than that given in the several tables according to the following scale:—

Moulded Depth in Feet.	REDUCTION IN FREEBOARD.	
	Vessels without erections on deck.	Spar and Awning-deck Vessels.
	In.	In.
9 and under 11	2	—
11 " " 13	2½	—
13 " " 16	3	3½
16 " " 19	3½	4
19 " " 22	4	4½
22 " " 25	4½	5
25 " " 28	5	5½
28 " " 31	5½	6
31 " " 34	6	6½

MEMO—The weight of a cubic foot of salt water is taken, in the above table, to be 64 lbs., and that of fresh water 62½ lbs.

TABLE A.

CARGO-CARRYING STEAM VESSELS NOT HAVING SPAR OR AWNING DECKS.

TABLE of RESERVE BUOYANCY and FREEBOARD for FIRST-CLASS SEA-GOING IRON and STEEL STEAM VESSELS.  
(In Salt Water.)

Coefficient of Fineness.	PERCENTAGE RESERVE BUOYANCY.—(Winter.)							
	22'0	22'3	22'4	22'6	22'8	23'0	23'2	23'4
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.)							
	MEASURED FROM TOP OF DECK AT SIDE.							
	Moulded Depth and Length.							
	Ft. in. 10 0	Ft. in. 10 6	Ft. in. 11 0	Ft. in. 11 6	Ft. in. 12 0	Ft. in. 12 6	Ft. in. 13 0	Ft. in. 13 6
	Ft. 120	Ft. 126	Ft. 132	Ft. 138	Ft. 144	Ft. 150	Ft. 156	Ft. 162
'68	Ft. in. 1 4	Ft. in. 1 5	Ft. in. 1 6	Ft. in. 1 7	Ft. in. 1 8	Ft. in. 1 9	Ft. in. 2 0	Ft. in. 2 1
'70	1 4	1 5	1 6	1 7	1 8	1 9	2 0	2 1
'72	1 4	1 5	1 6	1 7	1 8	1 9	2 0	2 1
'74	1 4	1 5	1 6	1 7	1 8	1 9	2 0	2 1
'76	1 5	1 6	1 7	1 8	1 9	2 0	2 1	2 2
'78	1 5	1 6	1 7	1 8	1 9	2 0	2 1	2 2
'80	1 5	1 6	1 7	1 8	1 9	2 0	2 1	2 2
'82	1 5	1 6	1 7	1 8	1 9	2 0	2 1	2 2
Correction in inches for a change of 10 ft. in the length.	2	2	2	2	2	2	2	2
Deduction in inches for Summer voyages.	1	1	1	1	1	1	1	1

The above reduction in freeboard for summer voyages from European and Mediterranean Ports is to be made from April to September inclusive. In other parts of the world the reduced freeboard should be used during the corresponding or recognized summer months.

Coefficient of Fineness.	PERCENTAGE RESERVE BUOYANCY.—(Winter.)										
	23'6	23'8	24'0	24'2	24'5	24'7	25'0	25'3	25'5	25'7	26'0
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.)										
	MEASURED FROM TOP OF DECK AT SIDE.										
	Moulded Depth and Length.										
	Ft. in. 14 0	Ft. in. 14 6	Ft. in. 15 0	Ft. in. 15 6	Ft. in. 16 0	Ft. in. 16 6	Ft. in. 17 0	Ft. in. 17 6	Ft. in. 18 0	Ft. in. 18 6	Ft. in. 19 0
	Ft. 168	Ft. 174	Ft. 180	Ft. 186	Ft. 192	Ft. 198	Ft. 204	Ft. 210	Ft. 216	Ft. 222	Ft. 228
'68	Ft. in. 2 1	Ft. in. 2 3	Ft. in. 2 4	Ft. in. 2 5	Ft. in. 2 7	Ft. in. 2 8	Ft. in. 2 10	Ft. in. 2 11	Ft. in. 3 1	Ft. in. 3 2	Ft. in. 3 4
'70	2 1	2 3	2 4	2 5	2 7	2 8	2 10	2 11	3 1	3 2	3 4
'72	2 2	2 3	2 5	2 6	2 8	2 9	2 11	3 0	3 2	3 3	3 5
'74	2 2	2 4	2 5	2 7	2 8	2 10	2 11	3 1	3 2	3 4	3 5
'76	2 3	2 4	2 6	2 7	2 9	2 10	3 0	3 1	3 3	3 4	3 6
'78	2 3	2 4	2 6	2 7	2 9	2 11	3 0	3 2	3 4	3 5	3 7
'80	2 3	2 5	2 6	2 8	2 9	2 11	3 1	3 2	3 4	3 5	3 8
'82	2 4	2 5	2 7	2 8	2 10	3 0	3 1	3 3	3 5	3 6	3 9
Correction in inches for a change of 10 ft. in the length.	1	1	1	1	1	1	1	1	1	1	1
Deduction in inches for Summer voyages.	1	1	1	1	1	2	2	2	2	2	2
Addition in inches for Winter. North Atlantic.	3	3	3	3	3	3	3	3	3	3	3

The above reduction in freeboard for summer voyages from European and Mediterranean Ports is to be made from April to September inclusive. In other parts of the world the reduced freeboard should be used during the corresponding or recognized summer months. The additional freeboard specified for the North Atlantic trades is to apply to vessels sailing to, or from, the Mediterranean or any British or European Port, and which may sail to, or from, or call at, Ports in British North America, or Eastern Ports in the United States, north of and including Baltimore, from October to March inclusive.



TABLE A—continued.

CARGO CARRYING STEAM VESSELS NOT HAVING SPAR OR AWNING DECKS.

TABLE OF RESERVE BUOYANCY and FREEBOARD for FIRST-CLASS SEA-GOING IRON and STEEL STEAM VESSELS.  
(In Salt Water).

Coefficient of Fineness.	PERCENTAGE RESERVE BUOYANCY.—(Winter).									
	26.2	26.5	26.7	27.0	27.3	27.5	27.8	28.1	28.3	28.6
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter).									
	MEASURED FROM TOP OF DECK AT SIDE.									
	Moulded Depth and Length.									
	Ft. in. 19 6	Ft. in. 20 0	Ft. in. 20 6	Ft. in. 21 0	Ft. in. 21 6	Ft. in. 22 0	Ft. in. 23 6	Ft. in. 23 0	Ft. in. 23 6	Ft. in. 24 0
	Ft. 234	Ft. 240	Ft. 240	Ft. 252	Ft. 252	Ft. 264	Ft. 270	Ft. 276	Ft. 282	Ft. 288
68 . . . . .	Ft. in. 3 5½	Ft. in. 3 7½	Ft. in. 3 9	Ft. in. 3 11	Ft. in. 4 0½	Ft. in. 4 2½	Ft. in. 4 4½	Ft. in. 4 6½	Ft. in. 4 8½	Ft. in. 4 10½
70 . . . . .	3 6½	3 8	3 10	3 11½	4 1½	4 3½	4 5½	4 7½	4 9½	4 11½
72 . . . . .	3 7	3 8½	3 10½	4 0	4 2	4 4	4 6	4 8	4 10	5 0
74 . . . . .	3 8	3 9½	3 11½	4 1	4 3	4 5	4 7	4 9	4 11	5 1
76 . . . . .	3 8½	3 10	4 0	4 1½	4 3½	4 5½	4 7½	4 9½	4 11½	5 1½
78 . . . . .	3 9½	3 11	4 1	4 2½	4 4½	4 6½	4 8½	4 10½	5 0½	5 2½
80 . . . . .	3 10	3 11½	4 1½	4 3	4 5	4 7	4 9	4 11	5 1	5 3
82 . . . . .	3 10½	4 0	4 2	4 3½	4 5½	4 7½	4 9½	4 11½	5 2	5 4
Correction in inches for a change of 10 ft. in the length.	1'1	1'2	1'2	1'2	1'2	1'2	1'2	1'2	1'3	1'3
Deduction in inches for Summer voyages.	2½	2½	2½	2½	2½	3	3	3	3	3
Addition in inches for Winter, North Atlantic.	3½	3½	3½	3½	4	4	4	4	4	4
Coefficient of Fineness.	PERCENTAGE RESERVE BUOYANCY.—(Winter).									
	28.9	29.2	29.5	29.8	30.1	30.4	30.8	31.1	31.5	31.8
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter).									
	MEASURED FROM TOP OF DECK AT SIDE.									
	Moulded Depth and Length.									
	Ft. in. 24 6	Ft. in. 25 0	Ft. in. 25 6	Ft. in. 26 0	Ft. in. 26 6	Ft. in. 27 0	Ft. in. 27 6	Ft. in. 28 0	Ft. in. 28 6	Ft. in. 29 0
	Ft. 294	Ft. 300	Ft. 306	Ft. 312	Ft. 318	Ft. 324	Ft. 330	Ft. 336	Ft. 342	Ft. 348
68 . . . . .	Ft. in. 5 1	Ft. in. 5 3½	Ft. in. 5 5½	Ft. in. 5 8	Ft. in. 5 10	Ft. in. 6 0½	Ft. in. 6 3	Ft. in. 6 5½	Ft. in. 6 8	Ft. in. 6 10½
70 . . . . .	5 1½	5 4	5 6	5 8½	5 10½	6 1	6 3½	6 6½	6 9	7 0½
72 . . . . .	5 2½	5 5	5 7	5 9½	5 11½	6 2	6 4½	6 7½	6 10	7 1½
74 . . . . .	5 3	5 5½	5 7½	5 10	6 0½	6 3	6 5½	6 8½	6 11	7 2½
76 . . . . .	5 4	5 6½	5 8½	5 11	6 1½	6 4	6 6½	6 9½	7 0	7 3
78 . . . . .	5 4½	5 7	5 9	5 11½	6 2½	6 4½	6 7	6 10	7 1	7 4
80 . . . . .	5 5½	5 8	5 10	6 0½	6 3	6 5½	6 8	6 11	7 2	7 5
82 . . . . .	5 6½	5 9	5 11	6 1½	6 4	6 6½	6 9	7 0	7 3	7 6
Correction in inches for a change of 10 ft. in the length.	1'3	1'3	1'3	1'4	1'4	1'4	1'4	1'4	1'5	1'5
Deduction in inches for Summer voyages.	3	3½	3½	3½	3½	4	4	4	4	4½
Addition in inches for Winter, North Atlantic.	4	4½	4½	4½	4½	4½	4½	5	5	5

The above reduction in freeboard for summer voyages from European and Mediterranean Ports is to be made from April to September inclusive. In other parts of the world the reduced freeboard should be used during the corresponding or recognized summer months. The additional freeboard specified for the North Atlantic trades is to apply to vessels sailing to, or from, the Mediterranean or any British or European Port, and which may sail to, or from, or call at, Ports in British North America, or Eastern Ports in the United States, north of and including Baltimore, from October to March inclusive. Double the above reduction to be allowed for voyages in the fine season in the Indian seas, between the limits of Suez and Singapore.

TABLE A—continued.

CARGO-CARRYING STEAM VESSELS NOT HAVING SPAR OR AWNING DECKS.

TABLE OF RESERVE BUOYANCY AND FREEBOARD FOR FIRST-CLASS SEA-GOING IRON AND STEEL STEAM VESSELS.  
(In Salt Water.)

Coefficient of Fineness.	PERCENTAGE RESERVE BUOYANCY.—(Winter.)									
	32'2	32'5	32'8	33'0	33'5	33'8	34'1	34'4	34'7	35'0
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.)									
	MEASURED FROM TOP OF DECK AT SIDE.									
	Moulded Depth and Length.									
	Ft. in. 29 6	Ft. in. 30 0	Ft. in. 30 6	Ft. in. 31 0	Ft. in. 31 6	Ft. in. 32 0	Ft. in. 32 6	Ft. in. 33 0	Ft. in. 33 6	Ft. in. 34 0
	Ft. 354	Ft. 360	Ft. 366	Ft. 372	Ft. 378	Ft. 384	Ft. 390	Ft. 396	Ft. 402	Ft. 408
68	Ft. in. 7 1	Ft. in. 7 3½	Ft. in. 7 6½	Ft. in. 7 9	Ft. in. 7 10½	Ft. in. 8 0	Ft. in. 8 2½	Ft. in. 8 5	Ft. in. 8 7½	Ft. in. 8 10½
70	7 2½	7 5	7 8	7 10½	8 1	8 4	8 6½	8 9	8 11½	9 1
72	7 3½	7 6	7 9	7 11½	8 2½	8 5	8 7½	8 10	9 0	9 2½
74	7 4½	7 7	7 10	8 0½	8 3½	8 6	8 9	8 11½	9 2½	9 5
76	7 5½	7 8	7 11	8 1½	8 4½	8 7	8 10	9 0½	9 3½	9 6½
78	7 7	7 9½	8 0½	8 3	8 6	8 8½	8 11½	9 2	9 5	9 7½
80	7 8	7 10½	8 1½	8 4	8 7	8 9½	9 0½	9 3	9 6	9 8½
82	7 9	7 11½	8 2½	8 5	8 8	8 10½	9 1½	9 4	9 7	9 10
Correction in inches for a change of 10 ft. in the length.	1'5	1'5	1'5	1'6	1'6	1'6	1'6	1'6	1'7	1'7
Deduction in inches for Summer voyages.	4½	4½	5	5	5	5	5½	5½	5½	6
Addition in inches for Winter, North Atlantic.	5	5	5½	5½	5½	5½	6	6	6	6

TABLE B.

CARGO-CARRYING SPAR DECK VESSELS.

TABLE OF FREEBOARD TO SPAR DECK FOR FIRST-CLASS SEA-GOING SPAR DECK STEAM VESSELS.  
(In Salt Water.)

Coefficient of Fineness.	HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.) <sup>a</sup>									
	MEASURED FROM TOP OF SPAR DECK AT SIDE.									
	Moulded Depth (to Main Deck) and Length.									
	Ft. in. 16 0	Ft. in. 16 6	Ft. in. 17 0	Ft. in. 17 6	Ft. in. 18 0	Ft. in. 18 6	Ft. in. 19 0	Ft. in. 19 6	Ft. in. 20 0	Ft. in. 20 6
	Ft. 276	Ft. 282	Ft. 288	Ft. 294	Ft. 300	Ft. 306	Ft. 312	Ft. 318	Ft. 324	Ft. 330
68	Ft. in. 5 1	Ft. in. 6 0	Ft. in. 6 1½	Ft. in. 6 2½	Ft. in. 6 4	Ft. in. 6 5½	Ft. in. 6 7½	Ft. in. 6 9	Ft. in. 6 11	Ft. in. 7 0½
70	5 1½	6 0½	6 2	6 3½	6 5	6 6½	6 8½	6 10	7 0	7 1½
72	6 0	6 1	6 2½	6 4	6 5½	6 7	6 9	6 10½	7 0½	7 2
74	6 0½	6 1½	6 3	6 4½	6 6	6 7½	6 9½	6 11½	7 1	7 3
76	6 1	6 2	6 3½	6 5	6 6½	6 8	6 10	6 11½	7 1½	7 3½
78	6 1½	6 2½	6 4	6 5½	6 7	6 8½	6 10½	7 0	7 2	7 4
80	6 2	6 3	6 4½	6 6	6 7½	6 9	6 11	7 0½	7 2½	7 4½
82	6 2½	6 3½	6 5	6 6½	6 8	6 9½	6 11½	7 1	7 3	7 5
Correction in inches for a change of 10 ft. in the length.	1'0	1'0	1'0	1'0	1'0	1'0	1'1	1'1	1'1	1'1
Deduction in inches for Summer voyages.	2½	2½	3	3	3	3	3½	3½	3½	4
Addition in inches for Winter, North Atlantic.	3½	3½	4	4	4	4	4½	4½	4½	4½

<sup>a</sup> These tables apply to spar deck vessels in which the height at side between the main and spar decks is 7 ft. from top of beam to top of beam; when this height is greater or less than 7 ft. the freeboard to the spar deck will require modification.

The above reduction in freeboard for summer voyages from European and Mediterranean Ports is to be made from April to September inclusive. In other parts of the world the reduced freeboard should be used during the corresponding or recognized summer months. The additional freeboard specified for the North Atlantic trades is to apply to vessels sailing to, or from, the Mediterranean or any British or European Port, and which may sail to, or from, or call at, Ports in British North America, or eastern Ports in the United States, north of and including Baltimore, from October to March inclusive. Double the above reduction to be allowed for voyages in the fine season in the Indian seas, between the limits of Suez and Singapore.

TABLE B—continued.

## CARGO-CARRYING SPAR DECK VESSELS.

TABLE OF FREEBOARD TO SPAR DECK FOR FIRST-CLASS SEA-GOING SPAR DECK STEAM VESSELS.  
(In Salt Water.)

Coefficient of Fineness.	HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.) <sup>a</sup> MEASURED FROM TOP OF SPAR DECK AT SIDE.									
	Moulded Depth (to Main Deck) and Length.									
	Ft. in. 21 0	Ft. in. 21 6	Ft. in. 22 0	Ft. in. 22 6	Ft. in. 23 0	Ft. in. 23 6	Ft. in. 24 0	Ft. in. 24 6	Ft. in. 25 0	Ft. in. 25 6
	Ft. 336	Ft. 342	Ft. 348	Ft. 354	Ft. 360	Ft. 366	Ft. 372	Ft. 378	Ft. 384	Ft. 390
'68 . . . . .	7 2½	7 4½	7 7	7 9	7 11½	8 2	8 4½	8 7	8 9½	9 0
'70 . . . . .	7 3½	7 5½	7 8	7 10	8 0½	8 3	8 5½	8 8	8 10½	9 1
'72 . . . . .	7 4	7 6	7 8½	7 10½	8 1	8 3½	8 6	8 8½	8 11	9 2
'74 . . . . .	7 5	7 7	7 9½	7 11½	8 2	8 4½	8 7	8 9½	9 0	9 3
'76 . . . . .	7 5½	7 7½	7 10	8 0	8 2½	8 5	8 7½	8 10	9 0½	9 3½
'78 . . . . .	7 6	7 8	7 10½	8 0½	8 3	8 5½	8 8	8 11	9 1½	9 4½
'80 . . . . .	7 6½	7 8½	7 11	8 1	8 3½	8 6	8 8½	8 11½	9 2	9 5
'82 . . . . .	7 7	7 9	7 11½	8 1½	8 4	8 7	8 9½	9 0½	9 3	9 6
Correction in inches for a change of 10 ft. in the length.	1'1	1'2	1'3	1'2	1'2	1'2	1'3	1'3	1'3	1'3
Deduction in inches for Summer voyages.	4	4	4½	4½	4½	5	5	5	5½	5½
Addition in inches for Winter, North Atlantic.	5	5	5	5	5	5½	5	5½	5½	5½

Coefficient of Fineness.	HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.) <sup>a</sup> MEASURED FROM TOP OF SPAR DECK AT SIDE.									
	Moulded Depth (to Main Deck) and Length.									
	Ft. in. 26 0	Ft. in. 26 6	Ft. in. 27 0	Ft. in. 27 6	Ft. in. 28 0	Ft. in. 28 6	Ft. in. 29 0	Ft. in. 29 6	Ft. in. 30 0	
	Ft. 396	Ft. 402	Ft. 408	Ft. 414	Ft. 420	Ft. 426	Ft. 432	Ft. 438	Ft. 444	
'68 . . . . .	9 2½	9 3½	9 8	9 1	10 2	10 5	10 8½	10 11½	11 3	
'70 . . . . .	9 3½	9 6½	9 9	10 0	10 3	10 6	10 9½	11 0½	11 4	
'72 . . . . .	9 4½	9 7½	9 10	10 1	10 4	10 7	10 10½	11 1½	11 5	
'74 . . . . .	9 5½	9 8½	9 11	10 2	10 5	10 8	10 11½	11 2½	11 6	
'76 . . . . .	9 6	9 9	10 0	10 3	10 6	10 9	11 0½	11 3½	11 7	
'78 . . . . .	9 7	9 10	10 1	10 4	10 7	10 10	11 1½	11 4½	11 8	
'80 . . . . .	9 7½	9 10½	10 1½	10 4½	10 7½	10 10½	11 2	11 5½	11 9	
'82 . . . . .	9 8½	9 11½	10 2½	10 5½	10 8½	10 11½	11 3	11 6½	11 10	
Correction in inches for a change of 10 ft. in the length.	1'3	1'4	1'4	1'4	1'4	1'5	1'5	1'5	1'5	
Deduction in inches for Summer voyages.	5½	5½	6	6	6	6	6½	6½	6½	
Addition in inches for Winter, North Atlantic.	6	6	6	6	6	6	6½	6½	6½	

<sup>a</sup> These tables apply to spar deck vessels in which the height at side between the main and spar decks is 7 ft. from top of beam to top of beam; when this height is greater or less than 7 ft. the freeboard to the spar deck will require modification.

The above reduction in freeboard for summer voyages from European and Mediterranean Ports is to be made from April to September inclusive. In other parts of the world the reduced freeboard should be used during the corresponding or recognized summer months. The additional freeboard specified for the North Atlantic trades is to apply to vessels sailing to, or from, the Mediterranean or any British or European Port, and which may sail to, or from, or call at, Ports in British North America, or eastern Ports in the United States, north of and including Baltimore, from October to March inclusive. Double the above reduction to be allowed for voyages in the fine season in the Indian seas, between the limits of Suez and Singapore.

TABLE C.

## CARGO-CARRYING AWNING DECK VESSELS.

TABLE OF RESERVE BUOYANCY AND FREEBOARD for FIRST-CLASS SEA-GOING AWNING DECK STEAM VESSELS.  
(In Salt Water.)

Coefficient of Fineness.	PERCENTAGE RESERVE BUOYANCY TO MAIN DECK.—(Winter.)										
	15'0	15'1	15'2	15'3	15'4	15'5	15'7	15'8	16'0	16'2	16'4
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.)										
	MEASURED FROM TOP OF MAIN DECK AT SIDE.										
	Moulded Depth (to Main Deck) and Length.										
	Ft. in. 14 0	Ft. in. 14 6	Ft. in. 15 0	Ft. in. 15 6	Ft. in. 16 0	Ft. in. 16 6	Ft. in. 17 0	Ft. in. 17 6	Ft. in. 18 0	Ft. in. 18 6	Ft. in. 19 0
	Ft. 168	Ft. 174	Ft. 180	Ft. 186	Ft. 192	Ft. 198	Ft. 204	Ft. 210	Ft. 216	Ft. 222	Ft. 228
.66	Ft. in. 1 0	Ft. in. 1 0	Ft. in. 1 1	Ft. in. 1 1	Ft. in. 1 2	Ft. in. 1 2	Ft. in. 1 3	Ft. in. 1 4	Ft. in. 1 5	Ft. in. 1 6	Ft. in. 1 7
.68	1 0	1 0	1 1	1 1	1 2	1 2	1 3	1 4	1 5	1 6	1 7
.70	1 0	1 1	1 1	1 2	1 2	1 3	1 4	1 5	1 6	1 7	1 8
.72	1 0	1 1	1 2	1 2	1 3	1 3	1 4	1 5	1 6	1 7	1 8
.74	1 1	1 1	1 2	1 3	1 3	1 4	1 5	1 6	1 7	1 8	1 9
.76	1 1	1 2	1 2	1 3	1 4	1 4	1 5	1 6	1 7	1 8	1 9
.78	1 1	1 2	1 3	1 3	1 4	1 5	1 6	1 7	1 8	1 9	2 0
.80	1 1	1 2	1 3	1 4	1 4	1 5	1 6	1 7	1 8	1 9	2 0
Correction in inches for a change of 10 feet in length.	5	5	5	5	5	5	5	5	5	6	6
Deduction in inches for Summer voyages.	3	3	3	3	3	3	3	3	3	3	3
Addition in inches for Winter, North Atlantic.	3	3	3	3	3	3	3	3	3	3	4

Coefficient of Fineness.	PERCENTAGE RESERVE BUOYANCY TO MAIN DECK.—(Winter.)									
	16'7	16'9	17'2	17'4	17'7	18'0	18'3	18'6	18'9	19'2
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.)									
	MEASURED FROM TOP OF MAIN DECK AT SIDE.									
	Moulded Depth (to Main Deck) and Length.									
	Ft. in. 19 6	Ft. in. 20 0	Ft. in. 20 6	Ft. in. 21 0	Ft. in. 21 6	Ft. in. 22 0	Ft. in. 22 6	Ft. in. 23 0	Ft. in. 23 6	Ft. in. 24 0
	Ft. 234	Ft. 240	Ft. 246	Ft. 252	Ft. 258	Ft. 264	Ft. 270	Ft. 276	Ft. 282	Ft. 288
.66	Ft. in. 1 8	Ft. in. 1 9	Ft. in. 1 10	Ft. in. 1 11	Ft. in. 2 1	Ft. in. 2 2	Ft. in. 2 3	Ft. in. 2 4	Ft. in. 2 5	Ft. in. 2 6
.68	1 8	1 9	1 10	1 11	2 1	2 2	2 3	2 4	2 5	2 6
.70	1 8	1 9	1 10	1 11	2 1	2 2	2 3	2 4	2 5	2 6
.72	1 9	1 10	1 11	2 0	2 2	2 3	2 4	2 5	2 6	2 7
.74	1 9	1 10	1 11	2 0	2 2	2 3	2 4	2 5	2 6	2 7
.76	1 9	1 10	2 0	2 1	2 2	2 3	2 4	2 5	2 6	2 7
.78	1 10	1 11	2 0	2 1	2 2	2 3	2 4	2 5	2 6	2 7
.80	1 10	1 11	2 1	2 2	2 3	2 4	2 5	2 6	2 7	2 8
Correction in inches for a change of 10 feet in length.	6	6	6	6	6	6	6	6	6	6
Deduction in inches for Summer voyages.	3	3	3	3	3	4	4	4	4	4
Addition in inches for Winter, North Atlantic.	4	4	4	4	4	4	4	4	4	5

The above reduction in freeboard for summer voyages from European and Mediterranean Ports is to be made from April to September inclusive. In other parts of the world the reduced freeboard should be used during the corresponding or recognized summer months. The additional freeboard specified for the North Atlantic trades is to apply to vessels sailing to, or from, the Mediterranean, or any British or European Port, and which may sail to, or from, or call at Ports in British North America, or eastern Ports in the United States, north of and including Baltimore, from October to March inclusive. Double the above reduction to be allowed for voyages in the fine season in the Indian seas, between the limits of Soes and Singapore.

TABLE C—continued.

## CARGO-CARRYING AWNING DECK VESSELS.

TABLE of RESERVE BUOYANCY and FREEBOARD for FIRST-CLASS SEA-GOING AWNING DECK STEAM VESSELS,  
(In Salt Water.)

Coefficient of Fineness.	PERCENTAGE RESERVE BUOYANCY TO MAIN DECK.—(Winter.)									
	19'6	19'9	20'3	20'6	21'0	21'4	21'9	22'3	22'8	23'3
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.)									
	MEASURED FROM TOP OF MAIN DECK AT SIDE.									
	Moulded Depth (to Main Deck) and Length.									
	Ft. in. 24 6	Ft. in. 25 0	Ft. in. 25 6	Ft. in. 26 0	Ft. in. 26 6	Ft. in. 27 0	Ft. in. 27 6	Ft. in. 28 0	Ft. in. 28 6	Ft. in. 29 0
	Ft. 294	Ft. 300	Ft. 306	Ft. 312	Ft. 318	Ft. 324	Ft. 330	Ft. 336	Ft. 342	Ft. 348
	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.
	2 10	3 0	3 2	3 4	3 6	3 9	3 11	4 2	4 4	4 7
	2 10	3 0	3 2	3 4	3 6	3 9	3 11	4 2	4 4	4 7
Coefficient of Fineness.	23'8	24'3	24'7	25'2	25'6	26'1	26'5	27'0	27'5	28'0
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.)									
	MEASURED FROM TOP OF MAIN DECK AT SIDE.									
	Moulded Depth (to Main Deck) and Length.									
	Ft. in. 29 6	Ft. in. 30 0	Ft. in. 30 6	Ft. in. 31 0	Ft. in. 31 6	Ft. in. 32 0	Ft. in. 32 6	Ft. in. 33 0	Ft. in. 33 6	Ft. in. 34 0
	Ft. 354	Ft. 360	Ft. 366	Ft. 372	Ft. 378	Ft. 384	Ft. 390	Ft. 396	Ft. 402	Ft. 408
	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.
	4 9	5 0	5 2	5 3	5 8	5 11	6 1	6 4	6 7	6 10
	4 10	5 1	5 3	5 6	5 9	6 0	6 2	6 5	6 8	6 11
	4 10	5 1	5 3	5 6	5 9	6 0	6 2	6 5	6 8	6 11
Coefficient of Fineness.	26'6	26'9	27'3	27'6	28'0	28'4	28'9	29'3	29'8	30'3
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.)									
	MEASURED FROM TOP OF MAIN DECK AT SIDE.									
	Moulded Depth (to Main Deck) and Length.									
	Ft. in. 34 6	Ft. in. 35 0	Ft. in. 35 6	Ft. in. 36 0	Ft. in. 36 6	Ft. in. 37 0	Ft. in. 37 6	Ft. in. 38 0	Ft. in. 38 6	Ft. in. 39 0
	Ft. 414	Ft. 420	Ft. 426	Ft. 432	Ft. 438	Ft. 444	Ft. 450	Ft. 456	Ft. 462	Ft. 468
	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.
	5 10	6 0	6 2	6 4	6 6	6 9	7 1	7 4	7 7	8 0
	5 11	6 1	6 3	6 5	6 7	7 0	7 2	7 5	7 8	8 1
	5 11	6 1	6 3	6 5	6 7	7 0	7 2	7 5	7 8	8 1
Coefficient of Fineness.	29'6	29'9	30'3	30'6	31'0	31'4	31'9	32'3	32'8	33'3
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS.—(Winter.)									
	MEASURED FROM TOP OF MAIN DECK AT SIDE.									
	Moulded Depth (to Main Deck) and Length.									
	Ft. in. 39 6	Ft. in. 40 0	Ft. in. 40 6	Ft. in. 41 0	Ft. in. 41 6	Ft. in. 42 0	Ft. in. 42 6	Ft. in. 43 0	Ft. in. 43 6	Ft. in. 44 0
	Ft. 474	Ft. 480	Ft. 486	Ft. 492	Ft. 498	Ft. 504	Ft. 510	Ft. 516	Ft. 522	Ft. 528
	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.
	6 6	6 7	6 9	7 0	7 2	7 4	7 6	7 8	8 0	8 2
	6 7	6 8	7 0	7 1	7 3	7 5	7 7	7 9	8 1	8 3
	6 7	6 8	7 0	7 1	7 3	7 5	7 7	7 9	8 1	8 3

The above reduction in freeboard for summer voyages from European and Mediterranean Ports is to be made from April to September inclusive. In other parts of the world the reduced freeboard should be used during the corresponding or recognized summer months. The additional freeboard specified for the North Atlantic trades is to apply to vessels sailing to, or from, the Mediterranean, or any British or European Port, and which may sail to, or from, or call at Ports, in British North America, or eastern Ports in the United States, north of and including Baltimore, from October to March inclusive. Double the above reduction to be allowed for voyages in the fine season in the Indian seas, between the limits of Soer and Singapore.

TABLE D.

## SAILING VESSELS.

TABLE of RESERVE BUOYANCY and FREEBOARD for FIRST-CLASS SEA-GOING IRON and STEEL SAILING VESSELS, and COMPOSITE and WOOD VESSELS of the HIGHEST CLASS.  
(In Salt Water.)

Coefficient of Fineness.			PERCENTAGE RESERVE BUOYANCY. (IRON VESSELS).									
			23'5	23'7	23'9	24'2	24'4	24'6	24'9	25'1	25'3	
			CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS. MEASURED FROM TOP OF DECK AT SIDE.									
Wood.	Composite.	Iron.	Moulded Depth and Length.									
			Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	
			10 0	10 6	11 0	11 6	12 0	12 6	13 0	13 6	14 0	
Wood.	Composite.	Iron.	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.	
			100	105	110	115	120	125	130	135	140	
			Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	
—	—	.64	1 3½	1 6½	1 7½	1 9	1 10½	1 11½	2 1	2 2½	2 3½	
—	.64	.66	1 3½	1 6½	1 7½	1 9	1 10½	1 11½	2 1	2 2½	2 3½	
.64	.66	.68	1 6	1 7	1 8½	1 10	1 11½	2 1	2 2½	2 4	2 5	
.66	.70	.72	1 6	1 7	1 9	1 10½	2 0	2 1½	2 3	2 4½	2 5½	
.68	.72	.74	1 6½	1 7½	1 9½	1 11	2 0½	2 2	2 3½	2 5	2 6½	
.70	.74	—	1 7	1 8½	1 10	1 11½	2 1	2 2½	2 4	2 5½	2 7	
.72	—	—	1 7	1 8½	1 10	1 11½	2 1	2 2½	2 4	2 5½	2 7	
Correction in inches for a change of 10 ft. in the length.			9	9	9	1'0	1'0	1'0	1'0	1'0	1'0	
Coefficient of Fineness.			PERCENTAGE RESERVE BUOYANCY. (IRON VESSELS).									
			25'5	25'7	26'0	26'2	26'4	26'6	26'8	27'1	27'3	
			CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS. MEASURED FROM TOP OF DECK AT SIDE.									
Wood.	Composite.	Iron.	Moulded Depth and Length.									
			Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	
			14 6	15 0	15 6	16 0	16 6	17 0	17 6	18 0	18 6	
Wood.	Composite.	Iron.	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.	
			145	150	155	160	165	170	175	180	185	
			Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	
—	—	.64	2 5	2 6½	2 8	2 9½	2 11	3 0½	3 2	3 3½	3 5	
—	.64	.66	2 5½	2 7	2 8½	2 10	2 11½	3 1	3 2½	3 4	3 5½	
.64	.66	.68	2 6	2 7½	2 9	2 10½	3 0	3 1½	3 3	3 4½	3 6	
.66	.70	.72	2 6½	2 8	2 9½	2 11	3 0½	3 2	3 3½	3 5	3 6½	
.68	.72	.74	2 7	2 8½	2 10	2 11½	3 1	3 2½	3 4	3 5½	3 7	
.70	.74	—	2 7½	2 9	2 10½	3 0	3 1½	3 3	3 4½	3 6	3 8	
.72	—	—	2 8	2 9½	2 11	3 0½	3 2	3 3½	3 5	3 6½	3 8½	
—	—	—	2 8½	2 10	2 11½	3 1	3 2½	3 4	3 5½	3 7	3 9	
Correction in inches for a change of 10 ft. in the length.			1'1	1'1	1'1	1'1	1'1	1'1	1'1	1'1	1'1	
Addition in inches for Winter, North Atlantic.			3	3	3	3	3	3	3½	3½	3½	

The additional freeboard specified for the North Atlantic trades is to apply to vessels sailing to, or from, the Mediterranean or any British or European Port, and which may sail to, or from, or call at, Ports in British North America, or eastern Ports in the United States, north of, and including Baltimore, from October to March inclusive.

TABLE D—continued.

## SAILING VESSELS.

TABLE of RESERVE BUOYANCY and FREEBOARD for FIRST CLASS SEA-GOING IRON and STEEL SAILING VESSELS,  
and COMPOSITE and WOOD VESSELS of the HIGHEST CLASS.  
(In Salt Water.)

Coefficient of Fineness.			PERCENTAGE RESERVE BUOYANCY. (IRON VESSELS).								
			27'5	27'7	27'9	28'1	28'3	28'5	28'7	28'9	29'1
			CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS. MEASURED FROM TOP OF DECK AT SIDE.								
			Moulded Depth and Length.								
Wood.	Composite.	Iron.	Ft. in. 19 0	Ft. in. 19 6	Ft. in. 20 0	Ft. in. 20 6	Ft. in. 21 0	Ft. in. 21 6	Ft. in. 22 0	Ft. in. 22 6	Ft. in. 23 0
			Ft. 190	Ft. 195	Ft. 200	Ft. 205	Ft. 210	Ft. 215	Ft. 220	Ft. 225	Ft. 230
—	—	64	3 6½	3 8	3 9½	3 11½	4 1	4 2½	4 4	4 6	4 7½
—	64	66	3 7	3 8½	3 10	4 0	4 1½	4 3½	4 5	4 7	4 8½
—	66	68	3 7½	3 9	3 11	4 0½	4 2	4 4	4 5½	4 7½	4 9
64	68	70	3 8	3 9½	3 11½	4 1	4 2½	4 4½	4 6	4 8	4 9½
66	70	72	3 9	3 10½	4 0½	4 2	4 3½	4 5½	4 7	4 9	4 10½
68	72	74	3 9½	3 11	4 1	4 2½	4 4	4 6	4 7½	4 9½	4 11
70	74	—	3 10	3 11½	4 1½	4 3	4 5	4 6½	4 8½	4 10½	5 0
72	—	—	3 10½	4 0	4 2	4 3½	4 5½	4 7½	4 9	4 11	5 1
Correction in inches for a change of 10 ft. in the length.			1'2	1'2	1'2	1'2	1'2	1'2	1'2	1'2	1'3
Addition in inches for Winter. North Atlantic.			3½	4	4	4	4	4	4½	4½	4½

Coefficient of Fineness.			PERCENTAGE RESERVE BUOYANCY. (IRON VESSELS).							
			29'3	29'5	29'7	29'9	30'1	30'3	30'5	30'7
			CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS. MEASURED FROM TOP OF DECK AT SIDE.							
			Moulded Depth and Length.							
Wood.	Composite.	Iron.	Ft. in. 23 6	Ft. in. 24 0	Ft. in. 24 6	Ft. in. 25 0	Ft. in. 25 6	Ft. in. 26 0	Ft. in. 26 6	Ft. in. 27 0
			Ft. 235	Ft. 240	Ft. 245	Ft. 250	Ft. 255	Ft. 260	Ft. 265	Ft. 270
—	—	64	4 9½	4 11½	5 1½	5 3½	5 5½	5 7½	5 9½	5 11½
—	64	66	4 10	5 0	5 2	5 4	5 6	5 8	5 10	6 0½
—	66	68	4 11	5 1	5 3	5 5	5 7	5 9	5 11	6 1½
64	68	70	4 11½	5 1½	5 3½	5 5½	5 7½	5 9½	5 11½	6 2
66	70	72	5 0½	5 2½	5 4½	5 6½	5 8½	5 10½	6 0½	6 3
68	72	74	5 1	5 3	5 5	5 7	5 9	5 11	6 1	6 3½
70	74	—	5 2	5 4	5 6	5 8	5 10	6 0	6 2	6 4½
72	—	—	5 3	5 5	5 7	5 9	5 11	6 1	6 3	6 5½
Correction for a change of 10 ft. in the length.			1'3	1'3	1'3	1'3	1'3	1'3	1'3	1'4
Addition in inches for Winter. North Atlantic.			4½	4½	5	5	5	5	5	5½

The additional freeboard specified for the North Atlantic trades is to apply to vessels sailing to, or from, the Mediterranean or any British or European Port, and which may sail to, or from, or call at, Ports in British North America, or eastern Ports in the United States, north of, and including Baltimore, from October to March inclusive.

TABLE D.—continued.

## SAILING VESSELS.

TABLE of RESERVE BUOYANCY and FREEBOARD for FIRST-CLASS SEA-GOING IRON and STEEL SAILING VESSELS.

(In Salt Water.)

Coefficient of Fineness.	PERCENTAGE RESERVE BUOYANCY.							
	30.9	31.2	31.4	31.7	32.0	32.3	32.6	33.0
	CORRESPONDING HEIGHT OF FREEBOARD AMIDSHIPS. MEASURED FROM TOP OF DECK AT SIDE.							
Iron.	Moulded Depth and Length.							
	Ft. in. 27 6	Ft. in. 28 0	Ft. in. 28 6	Ft. in. 29 0	Ft. in. 29 6	Ft. in. 30 0	Ft. in. 30 6	Ft. in. 31 0
	Ft. 275	Ft. 280	Ft. 285	Ft. 290	Ft. 295	Ft. 300	Ft. 305	Ft. 310
.64 . . . . .	Ft. in. 6 1½	Ft. in. 6 4	Ft. in. 6 6	Ft. in. 6 8	Ft. in. 6 10½	Ft. in. 7 0½	Ft. in. 7 3	Ft. in. 7 5
.66 . . . . .	6 2½	6 5	6 7	6 9	6 11½	7 1½	7 4	7 6
.68 . . . . .	6 3½	6 5½	6 8	6 10	7 0½	7 2½	7 5	7 7
.70 . . . . .	6 4	6 6½	6 8½	6 11	7 1	7 3½	7 5½	7 8
.72 . . . . .	6 5	6 7½	6 9½	7 0	7 2	7 4½	7 6½	7 9
.74 . . . . .	6 5½	6 8	6 10	7 0½	7 2½	7 5	7 7	7 9½
.76 . . . . .	6 6½	6 9	6 11	7 1½	7 3½	7 6	7 8	7 10½
Correction in ins. for a change of 10 ft. in the length . . . . .	1.4	1.4	1.4	1.4	1.4	1.5	1.5	1.5
Addition in inches for winter. North At- lantic . . . . .	5½	5½	5½	5½	6	6	6	6

The additional freeboard specified for the North Atlantic trades is to apply to vessels sailing to, or from, the Mediterranean or any British or European Port, and which may sail to, or from, or call at, Ports in British North America, or eastern Ports in the United States, north of, and including Baltimore, from October to March inclusive.

TABLE giving the WEIGHT in OUNCES per CUBIC FOOT of SAMPLES of SEA and RIVER WATER taken from the places enumerated below.

The Weight of a cubic foot of Fresh Water is . . . . . 1,000 ounces.  
The Weight of a cubic foot of the densest Sea Water on the British Coast is . . . . . 1,025 "

Name of Port.	Dock, Harbour, or River from which Water was taken.	State of Tide.	Weight per Cubic Foot in Ounces.	Name of Port.	Dock, Harbour, or River from which Water was taken.	State of Tide.	Weight per Cubic Foot in Ounces.
ABERDEEN DISTRICT.				BARROW DISTRICT.			
Aberdeen . . . . .	Aberdeen Harbour . . . . .	—	1,015	Barrow . . . . .	Buccleugh Dock . . . . .	—	1,007
Fraserburgh . . . . .	Harbour . . . . .	—	1,025	Whitehaven . . . . .	Queen's Dock . . . . .	—	1,024
Banff . . . . .	Do. . . . .	—	1,024	Do. . . . .	Workington (the Har- bour) . . . . .	High	1,000
Lossiemouth . . . . .	Do. . . . .	—	1,022	Do. . . . .	Do. (Lonsdale Dock) . . . . .	—	1,000
Buckie . . . . .	Do. . . . .	—	1,024	Do. . . . .	Maryport (Elizabeth Dock) . . . . .	—	1,014
Peterhead . . . . .	Do. . . . .	—	1,024	Do. . . . .	Do. (the Harbour) . . . . .	High	1,005
Port Gordon . . . . .	Do. . . . .	—	1,024				
Inverness . . . . .	Do. . . . .	—	1,000				



TABLE giving the WEIGHT in OUNCES per CUBIC FOOT of SAMPLES of SEA and RIVER WATER taken from the places enumerated below—continued.

Name of Port.	Dock, Harbour, or River from which Water was taken.	State of Tide.	Weight per Cubic Foot in Ounces.	Name of Port.	Dock, Harbour, or River from which Water was taken.	State of Tide.	Weight per Cubic Foot in Ounces.
<b>BELFAST DISTRICT.</b>				<b>HARTLEPOOL DISTRICT.</b>			
Belfast	Harbour	High	1,011	West Hartlepool.	Hartlepool Dock Gates	—	1,025
<b>BRISTOL DISTRICT.</b>				Do.	Loading Berth in Docks (West Hartlepool).	—	1,024
Bristol Channel	Avonmouth Dock	—	1,011	Stockton	River Tees	High	1,005
Do.	Portishead Dock	—	1,015	Do.	Do.	Low	1,000
Bristol	Floating Harbour	—	1,010	Middlesbro'	Do.	High	1,012
Gloucester	Gloucester Docks	—	1,000	Do.	Do.	Low	1,002
Do.	Sharpness Docks	—	1,000				
Bridgwater	River Parret	—	1,009				
<b>CARDIFF DISTRICT.</b>				<b>HULL DISTRICT.</b>			
Newport	Alexandra Dock	—	1,008	Hull	Victoria Dock	—	1,014
Do.	Old Dock	—	1,008	Do.	Humber off Hull	High	1,016
Cardiff	Roath Basin	—	1,008	Do.	Albert Dock	—	1,015
Do.	Penarth Basin	—	1,008	Grimsby	Docks	—	1,018
<b>CORK DISTRICT.</b>				Do.	Humber off Grimsby	—	1,020
Queenstown		High	1,025	Goole	Dock	—	1,000
Do.		Low	1,024				
Cork		High	1,030				
Kinsale		High	1,024	<b>LEITH DISTRICT.</b>			
Do.		Low	1,022	Leith	Albert Dock	—	1,022
Limerick	The Quay	High	1,000	Grangemouth.	The Dock	—	1,008
Youghal		High	1,025	Alloa	Do.	—	1,010
Do.		Low	1,025	Granton		High	1,025
				Do.		Low	1,025
<b>DUBLIN DISTRICT.</b>				Burntisland	The Dock	—	1,024
Wicklow	Harbour	High	1,025	Bo'ness	Do.	—	1,021
Do.		Low	1,023				
Drogheda	Do.	High	1,000				
Arklow	Do.	High	1,024	<b>LIVERPOOL DISTRICT.</b>			
Do.	Do.	Low	1,021	Liverpool	Mersey	High	1,021
Balbriggan	Do.	High	1,000	Do.	Do.	Low	1,018
Dublin	Do.	High	1,024	Do.	Canada Dock	—	1,016
Do.	Do.	Low	1,008	Do.	George Dock	—	1,018
Kingstown	Do.	High	1,025	Do.	Herculeum Dock	—	1,018
Do.	Do.	Low	1,025	Birkenhead	Great Float Dock	—	1,020
Skerries	Do.	High	1,024	River Dee	Connah's Quay	—	1,018
Do.	Do.	Low	1,020	Preston	River Ribble	Low	1,000
Howth	Do.	High	1,025	Fleetwood	River Wyre	High	1,024
				Do.	Do.	Low	1,023
<b>DUNDEE DISTRICT.</b>							
Dundee		High	1,021	<b>LONDON DISTRICT.</b>			
Do.		Low	1,006	London	Thames off Horseferry Dock.	High	1,000
Perth		High	1,000	Do.	Limehouse Basin, West India Docks.	High	1,000
Arbroath		High	1,024	Do.	South-west entrance to West India Docks.	High	1,000
Do.		Low	1,024	Do.	Victoria Docks	—	1,005
Montrose		High	1,024	Do.	Thames outside Victoria Docks.	Low	1,000
Do.		Low	1,024	Gravesend	Thames	High	1,019
St. Andrew's		High	1,025	Do.	Do.	Low	1,014
Do.		Low	1,025				
<b>GLASGOW DISTRICT.</b>							
Glasgow	Bowling	High	1,000	<b>MILFORD DISTRICT.</b>			
Do.	Queen's Dock	—	1,000	Milford	The Haven off Milford	High	1,023
				Do.	Do.	Low	1,015
<b>GREENOCK DISTRICT.</b>							
Greenock	Tail of the Bank	High	1,022	<b>NEWCASTLE DISTRICT.</b>			
Do.	Do.	Low	1,017	Newcastle	Tyne Dock	—	1,023
Do.	Albert Harbour	High	1,016	Do.	Northumberland Dock	—	1,023
Do.	Do.	Low	1,016	Do.	Tyne at Commissioners' Staithes.	High	1,023
Do.	Victoria Harbour	High	1,018	Do.	Do.	Low	1,018
Do.	Do.	Low	1,018	Do.	Low Walker	High	1,013
Port Glasgow	Dry Dock Gates	High	1,013	Do.	Do.	Low	1,012
Do.	Do.	Low	1,007				
Ayr		{ 2 hrs. after h. td. }	1,003				
Ardrossan	Wet Dock	High	1,024				
Do.		High	1,023				
Do.		Low	1,023				
Campbeltown		—	1,024				

TABLE giving the WEIGHT in OUNCES per CUBIC FOOT of SAMPLES of SEA and RIVER WATER taken from the places enumerated below—concluded.

Name of Port.	Dock, Harbour, or River from which Water was taken.	State of Tide.	Weight per Cubic Foot in Ounces.	Name of Port.	Dock, Harbour, or River from which Water was taken.	State of Tide.	Weight per Cubic Foot in Ounces.
PLYMOUTH DISTRICT.				SUNDERLAND DISTRICT.			
Plymouth	The Sound	High	1,025	Sunderland	Seaham Harbour (Entrance).	—	1,024
Do.	Do.	Low	1,020	Do.	Do. (Wet Dock)	—	1,024
				Do.	Port of Sunderland (South Entrance to Harbour).	—	1,024
SOUTHAMPTON DISTRICT.				Do.	Do. Sunderland (South Wet Dock).	—	1,024
Southampton	Southampton Dock Extension.	High	1,023	Do.	Do. (North Wet Dock).	—	1,024
Do.	Do. do.	Low	1,020	Do.	Do. (Lambton Drops River Wear).	High	1,024
Weymouth	Weymouth Harbour	High	1,024	Do.	Do. do.	Low	1,011
Do.	Do. do.	Low	1,023	Do.	Do. (Hendon Wet Dock.)	—	1,023
Portsmouth	Portsmouth Camber	High	1,024				
Poole	The River	—	1,023				
Shoreham	River Adur (Shoreham)	High	1,025				
Do.	Do. do.	Low	1,026				
Littlehampton	Do. do.	High	1,024				
Do.	Do. do.	Low	1,020				

The following example illustrates the method by which the additional draught of water to which a vessel should be laden in water, partly salt, may be determined:—

A flush deck vessel of 20 feet moulded depth sails from Aberdeen Harbour. To what extent should she be laden beyond the load-line disc?

On referring to page 8 of the Freeboard Tables, it will be seen that this vessel should be laden deeper in fresh water than in salt to the extent of four inches. Also a cubic foot of fresh water weighs 1,000 ounces, while a cubic foot of the densest sea-water on the British Coast is found to weigh 1,025 ounces, the difference in weight being 25 ounces. The water in Aberdeen Harbour weighs 1,015 ounces per cubic foot, or 10 ounces less than salt water, and as for a difference of 25 ounces in weight per cubic foot the increased immersion is 4 inches, it will be seen that the increased draught of water with which this vessel should leave Aberdeen Harbour is  $\frac{4}{5}$ ths of 4 inches, or about 3½ inches.

BOARD OF TRADE,  
Marine Department,  
August 1890.

### INSTRUCTIONS TO OFFICERS IN BRITISH POSSESSIONS ABROAD.

WITH REFERENCE TO THE MERCHANT SHIPPING ACT, 1890, RELATING TO LOAD LINES FOR MERCHANT SHIPS.  
A copy of the Merchant Shipping Act, 1890, is annexed, together with a copy of the Regulations made by the Board of Trade under section 2 of the Act.

Under the Merchant Shipping Act, 1876, section 28:—

"Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, or who allows the ship to be so loaded as to submerge in salt water the centre of the disc, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds."

"If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds."

The provisions of the Act of 1890, so far as they concern the issue of Certificates of Approval of the position of load-line discs in the case of ships registered in the United Kingdom, come into operation at the expiration of six months after the passing of the Act, i.e., on the 9th December 1890; and in the case of ships registered in British Possessions, at the expiration of twelve months after the passing of the Act, i.e., on the 9th June 1891.

If the officer becomes aware of any infringement of the provisions above referred to, he should report full particulars of the case to the Board of Trade.

HENRY G. CALCRAFT, *Secretary.*  
GEORGE J. SWANSTON, *Assistant Secretary.*

M. 15856.  
1890.

M. 16158.  
1890.

### MERCHANT SHIPPING ACT, 1890.

#### CHAPTER 9.

An Act to amend the Merchant Shipping Acts relating to load-line.

[ 9th June 1890. ]

Enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Merchant Shipping Act, 1876, shall, from and after the expiration of six months after the passing of this Act, be construed as if in the twenty-sixth and twenty-seventh sections thereof the following sub-section were inserted instead of the sub-sections numbered (2) in those sections respectively:

"(2.) The centre of this disc shall be placed at such level below the deck-line marked under the provisions of this Act as may be approved by the Board of Trade, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship."

Provided that the position of the disc shall be fixed in accordance with the tables framed by the Load-Line Committee appointed before the passing of this Act, subject to such allowance as may be made necessary by any difference between the position

of the deck-line marked under the provisions of the Merchant Shipping Act, 1876, and the position of the line from which freeboard is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may from time to time be sanctioned by the Board of Trade.

In sanctioning any such modifications, the Board of Trade shall have regard to any representations which may be made to them by any corporation or association for the survey or registry of shipping for the time appointed or approved by the Board of Trade for the purposes of this Act.

2.—(1.) The Board of Trade shall appoint the Committee of Lloyd's Register of British and Foreign Shipping, or, at the option of the owner of the ship, any other corporation or association for the survey or registry of shipping, approved by the Board

of Trade, or any officer of the Board of Trade specially selected by the Board for that purpose, to approve and certify on their behalf from time to time the position of any such disc as aforesaid, and any alteration thereof, and may appoint fees to be taken in respect of any such approval or certificate.

(2.) The Board of Trade may make regulations—

(a) determining the lines or marks to be used in connexion with the disc, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that the provisions of the Merchant Shipping Act, 1876, are to have effect as if any such line were drawn through the centre of the disc;

(b) as to the mode in which the disc and the lines or marks to be used in connexion therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise;

(c) as to the mode of application for, and form of certificates under this Act; and

(d) requiring the entry of such certificates, and other particulars as to the draught of water and freeboard of the ship, in the official log-book of the ship, or other publication thereof on board the ship, and as to delivering copies of such entries.

All such regulations shall, while in force, have effect as if enacted by this Act.

3. Where the legislature of any British possession by any enactment provides for the fixing, marking, and certifying of load-lines on ships registered in that possession, and it appears

to Her Majesty the Queen that the provisions of that enactment are based on the same principles as the provisions of this Act, and are equally effective for ascertaining and determining

the maximum load-lines to which such ships can be safely loaded in salt water, and for giving notice of the load-line to persons interested, it shall be lawful for Her Majesty, by Order in Council, to declare that any load-line fixed and marked and any certificate given in pursuance of that enactment shall, with respect to ships so registered, have the same effect as if it had been fixed, marked, or given in pursuance of this Act.

Sections one and two of this Act shall not apply in the case of a ship registered in a British possession until the expiration of twelve months after the passing of this Act.

4. Where the Board of Trade certify that the laws and regulations for the time being in force in any foreign states with respect to overloading and improper loading are equally effective with the provisions of the Merchant Shipping Acts with respect thereto, it shall be lawful for Her Majesty by Order in Council to direct that, on proof of a ship of that state having complied with those laws and regulations, she shall not, when in a port of the United Kingdom, be liable to detention for non-compliance with the said provisions of the Merchant Shipping Acts, nor shall there arise any liability to any penalty which would otherwise arise for non-compliance with those provisions.

Provided that this section shall not apply in the case of ships of any foreign country in which it appears to Her Majesty that corresponding provisions are not extended to British ships.

5. For the purposes of the Merchant Shipping Act, 1876, as amended by this Act, the expression "amidships" shall mean the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.

Definition of "amidships."

Short title.

6. This Act may be cited as the Merchant Shipping Act, 1890.

### MERCHANT SHIPPING ACT, 1890.

#### LOAD-LINE.

REGULATIONS made by the BOARD OF TRADE under "THE MERCHANT SHIPPING ACT, 1890" (53 Vict., c. 9), to come into effect on and after the 9th December 1890.

BOARD OF TRADE;  
August 1890.

HENRY G. CALCRAFT,  
Secretary.

AT THE COUNCIL CHAMBER, WHITEHALL,

This 23rd day of August 1890.

PRESENT:

The Right Honourable Sir MICHAEL E. HICKS-BEACH, Bart., M.P.

In pursuance of the provisions of the Merchant Shipping Act, 1890, the Board of Trade do hereby make the annexed regulations, and do hereby direct that these regulations shall come into effect on and after the 9th day of December 1890.

(Signed) M. E. HICKS-BEACH,  
President.

### THE MERCHANT SHIPPING ACTS, 1876 AND 1890.

#### REGULATIONS AS TO LOAD-LINE MARKS, CERTIFICATES, DRAUGHT OF WATER, AND FREEBOARD.

1. The lines to be used in order to indicate the maximum load-line under different circumstances and at different seasons shall be nine inches in length and one inch in thickness, and the maximum load-line shall be the upper edge of each of such lines.

2. The said lines shall be horizontal lines marked on both sides of the ship, extending from and at right angles to a vertical line marked 21 inches forward of the centre of the disc. The maximum load-line in fresh water shall be marked abaft such vertical line, and the maximum load-lines in salt water shall be marked forward of such vertical line, as shown in the following diagrams:—

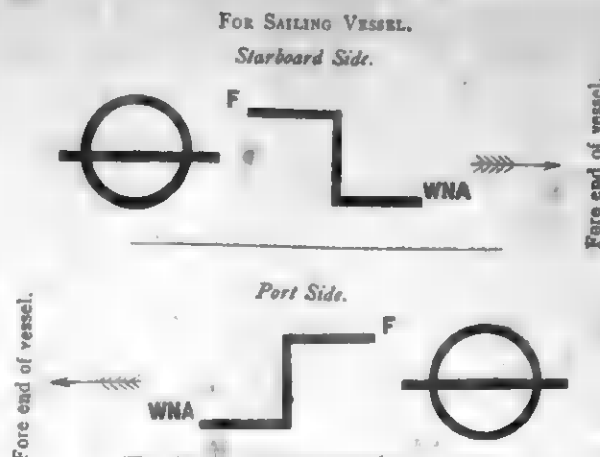
FOR STEAMER.

[Starboard Side.]



Port Side.





The arrow (→) points in the direction of the vessel's head.

The provisions of the Merchant Shipping Act, 1876, shall have effect as if any such maximum load-line were drawn through the centre of the disc.

3. Such maximum load-lines shall be as follows, viz. —

- For fresh water,
- „ Indian summer,
- „ summer,
- „ winter,
- „ winter, North Atlantic,

and shall be distinguished by initial letters permanently and conspicuously marked opposite such horizontal lines as aforesaid, such initial letters being as follows:—

- F.W.—Fresh water.
- I.S.—Indian summer.
- S.—Summer.
- W.—Winter.
- W.N.A.—Winter, North Atlantic.

The upper edge of the horizontal line passing through the centre of the disc shall always indicate the summer freeboard in salt water.

4. Steamships shall be marked with such of the horizontal lines as aforesaid as are applicable to the nature of their employment, and sailing ships shall be marked with such of the abovementioned lines as indicate the maximum load-line for fresh water and for North Atlantic winter, but sailing ships engaged solely in the coasting trade shall only be marked with the line indicating the maximum load-line in fresh water.

5. The said disc, and the lines or marks to be used in connexion therewith, shall be painted white or yellow on a dark ground, or black on a light ground, and the position of the disc and of each of the lines shall in the case of iron and steel vessels be permanently marked by centre punch marks, and shall in the case of wooden vessels be sunk for their breadths into the planking, a depth of not less than one quarter of an inch.

6. Application for a certificate of approval of the position of the disc or any alteration thereof shall be made in the form marked L.L. 1 in the schedule hereto and the Certificate shall be issued in duplicate in the form marked L.L. 2 or L.L. 3 in the schedule hereto as the case may be; one part shall be delivered to the applicant, and the other part shall be forthwith sent to the Assistant Secretary, Marine Department, Board of Trade.

7. The master of every British ship shall, before she leaves any dock, wharf, port, or harbour in the United Kingdom, Her Majesty's possessions, or in a foreign country, for the purpose of proceeding to sea, enter in the official log all the particulars stated in the certificate so issued as aforesaid if not previously entered.

8. For the purpose of these Regulations the expression "amidships" shall mean the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern post.

*Dated this 23rd day of August 1890.*

M 16158.  
1890

#### SCHEDULE.

##### FORM L.L. 1.

APPLICATION for CERTIFICATE of APPROVAL of the position of a LOAD-LINE DISC under the provisions of the Merchant Shipping Acts, 1876 and 1890.

Application is hereby made to \_\_\_\_\_ for a certificate of approval of the position [or alteration of the position] of a load-line disc on the \_\_\_\_\_

Official No. \_\_\_\_\_ [The vessel is classed in \_\_\_\_\_] [is not classed].

The vessel is [is not] intended to be employed in the Indian Ocean.

The vessel is [is not] intended to be employed in the North Atlantic Trade.

No application has been made for a certificate of approval of the position [or alteration of the position] of a load-line disc on this vessel to any other authority appointed in accordance with section 2 of the Merchant Shipping Act, 1890.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

Managing Owner.

CERTIFICATE of APPROVAL of the POSITION [Alteration of the Position] of the Disc on the Steamship  
" \_\_\_\_\_ ", Official No. \_\_\_\_\_, in pursuance of the Merchant Shipping Acts, 1876 and  
1890.

## The [

[I, \_\_\_\_\_, an officer of the Board of Trade] have approved, on behalf of the Board of Trade, the position [or alteration of the position] of the disc on the Steamship "\_\_\_\_\_" Official No. \_\_\_\_\_, and hereby certify that the centre of such disc is placed at \_\_\_\_\_ feet \_\_\_\_\_ inches below the \_\_\_\_\_ deck-line marked under the provisions of the Merchant Shipping Act, 1876.

This Certificate is to remain in force only so long as

Dated this \_\_\_\_\_

day of

18 .

(Signed)

### POSITION of LINKS to be used in connexion with the disc.

Position of Lines to be used in connexion with the disc.  
Maximum load-line in fresh water      feet      inches above the centre of the disc.

Maximum load-line in fresh water	feet	inches above the centre of the disc.
Maximum load-line in Indian summer	feet	inches above the centre of the disc.

Maximum load-line in summer the centre of the disc.

Maximum load-line in winter      feet      inches below the centre of the disc.

Maximum load-line in winter      feet      inches below the centre of the disc.  
Maximum load-line in North Atlantic winter      feet      inches below the centre of the disc.

*Note.*—In accordance with regulations made by the Board of Trade the disc and lines must be permanently marked by centre punch marks or cutting, and the particulars given in this Certificate are to be entered in the official log.

FORM L.L. 3.

FORM L.L. 3.

CERTIFICATE of APPROVAL of the POSITION [Alteration of the Position] of the Disc on the Sailing Ship  
" Official No. , in pursuance of the Merchant Shipping Acts, 1876 and 1890.

The f

"I, \_\_\_\_\_, an officer of the Board of Trade, have approved, on behalf of the Board of Trade, the position [or alteration of the position] of the disc on the \_\_\_\_\_ Sailing Ship  
"\_\_\_\_\_, Official No. \_\_\_\_\_, and hereby certify that the centre of such disc is placed at \_\_\_\_\_ feet  
\_\_\_\_\_ inches below the \_\_\_\_\_ deck line marked under the provisions of the Merchant Shipping Act, 1876.  
This Certificate is to remain in force only so long as \_\_\_\_\_

This Certificate is to remain in force only so long as

Dated this \_\_\_\_\_

day of

18

(Signed)

POSITION of LINGS to be used in connexion with the disc.

Maximum load-line in fresh water                      feet                      inches above the centre of the disc.

Maximum load-line in fresh water	feet	inches above the centre of the disc.
Maximum load-line in winter, North Atlantic,	feet	inches below the centre of the disc.

Maximum load-line in wt  
Moulded depth of vessel.

*Note.*—In accordance with the Regulations made by the Board of Trade the disc and lines must be permanently marked by centre punch marks or cutting, and the particulars given in this Certificate are to be entered in the official log.

S. HARVEY JAMES,  
*Secretary to the Govt. of India.*

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th December 1890:—

No. 20 OF 1890.

*A Bill to amend Act X of 1841.*

WHEREAS it is expedient to amend the Act of the Governor General in Council, No. X of 1841 (an Act for prescribing the rules to be observed in order that ships or vessels belonging to ports within the territories of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council made in pursuance of the Statute 3 & 4, Vict., c. 56); It is hereby enacted as follows:—

Repeal of a word in section 2, Act X of 1841.

1. In section 2 of the said Act, the word "Singapore" is hereby repealed.

2. For that portion of section 3 of the said Act, beginning with the words "the persons now authorised" and ending with the words "such other or different persons," the words "such persons" shall be substituted.

Substitution of new sections for sections 8 to 12, Act X of 1841.

3. For sections 8 to 12, both inclusive, of the said Act the following shall be substituted, namely:—

[17 & 18 Vict., c. 104, s. 36.]

"8. The certificate of the surveying officer shall be in the form marked A in the Schedule to the

[17 & 18 Vict., c. 104.]

Merchant Shipping Act, 1854, specifying the tonnage and build of the ship or vessel and such other particulars descriptive of her identity as may from time to time be required by the Local Government; and such certificate shall be delivered to the registering officer before registry.

"9. The tonnage of a ship or vessel required by law to be registered shall, previous to her being registered, be measured and as-

certain according to such of the rules contained in the Merchant Shipping Act, 1854, as amended by subsequent Acts (including the Merchant Shipping (Tonnage) Act, 1889) as apply to measurement of tonnage for the purpose of registry.

"10. The tonnage of a ship or vessel requiring to be measured for any purpose other than registry shall be measured and ascertained according to such of the rules contained in the Merchant Shipping Act, 1854, amended as aforesaid, as apply to measurement of tonnage for a purpose other than registry.

"11. The rules referred to in section 9 and section 10 of this Act shall, in their application to measurement of tonnage for the purposes of this Act, or of any enactment, rule, or order referring to this Act, be read and construed as if the Local Government were therein named instead of the Board of Trade or the authority for which the Board of Trade has been substituted by section 3 of the Merchant Shipping Act, 1872.

"12. The true amount of the register tonnage of every ship or vessel to be measured and ascertained according to the rules referred to in section 9 of this Act shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship or vessel prior to her being registered."

4. In section 14 of the said Act, to the word "tonnage," wherever it occurs, the word "register" shall be prefixed, and for the words "rules herein prescribed," the words "said rules" shall be substituted.

5. In section 15 of the said Act, for the words "in manner provided by Act No. 11 of 1839," the words "and figures" in the manner in which a fine is recoverable under the provisions of the Indian Penal Code and the Code of Criminal Procedure, 1882, shall be substituted.

6. (1) In section 17 of the said Act the word "that," where it occurs before the words "the owner or owners" and before the words "if such owner or owners," is hereby repealed.

(2) To the same section the words "recoverable as aforesaid" shall be added.

7. In section 23 of the said Act, after the words "ten thousand rupees" the words "recoverable as aforesaid" shall be inserted.

### STATEMENT OF OBJECTS AND REASONS.

The tonnage of ships or vessels to be registered under Act X of 1841 is ascertained by methods which were based on those prescribed by English law at the time the Act was passed. These methods have been superseded by those prescribed in the English Merchant Shipping Act, 1854, and Merchant Shipping (Tonnage) Act, 1889.

It is desirable on general grounds that rules as to measurement of tonnage should, so far as possible, be uniform in the United Kingdom and in British possessions; and it is specially desirable that ships owned by British subjects, wherever the ships may have been registered, should, as regards payment of coast-light and port dues, be subject in India to like liabilities in proportion to their respective tonnage.

The object of the Bill is to bring about this uniformity in the treatment of British and British Indian ships.

*The 13th December, 1890.*

D. BARBOUR.

S. HARVEY JAMES,

*Secretary to the Govt. of India.*



SL. no 7133



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## PART VI.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF  
THE ACT OF PARLIAMENT 24 & 25 VICT., CAP. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 3rd July,  
1890.

### PRESENT:

His Excellency the Viceroy and Governor General of India, G.C.M.G., G.M.S.I.,  
G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of the Punjab, K.C.S.I.

His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.

The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.

The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.

The Hon'ble Sir C. A. Elliott, K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble Baba Khem Singh Bedi, C.I.E.

### EVIDENCE ACT AND CRIMINAL PROCEDURE CODE AMENDMENT BILL.

The Hon'ble SIR ANDREW SCOBLE moved for leave to introduce a Bill  
to amend the Indian Evidence Act, 1872, and the Code of Criminal Pro-  
cedure, 1832. He said:—

"The principal object of this Bill is to amend section 54 of the Indian  
Evidence Act, 1872, so as to render the previous conviction of an accused person  
irrelevant when it is sought to prove the conviction for the mere object of show-  
ing that the accused is a man of bad character and therefore likely to have  
committed the offence with which he is charged. The section as it now stands  
is in the following words:—

'In criminal proceedings the fact that the accused person has been previously con-  
victed of any offence is relevant; but the fact that he has a bad character is irrelevant,  
unless evidence has been given that he has a good character, in which case it becomes  
relevant.'

"There is no doubt that this section was deliberately introduced into the  
Act. In the first Report of the Select Committee it is stated—

'We include under the word "character" both reputation and disposition, and we  
permit evidence to be given of previous conviction against a prisoner for the purpose

of prejudicing him. We do not see why he should not be prejudiced by such evidence if it is true.

"The High Court of Calcutta has thus been constrained to hold, in the case of *The Queen Empress v. Kartick Chunder Dass* (I. L. R. 14 Cal. 721), that a previous conviction is in all cases admissible in evidence against an accused person.

"In delivering the judgment of the Full Bench in this case, Mr. Justice Pigot, commenting upon the departure from English law involved in this result, observes:—

'The indiscriminate admission against an accused person of any previous convictions against him would not merely operate in many cases so as to work an unjust and unreasonable prejudice,' but also would admit 'a formidable novelty into the rules of evidence applied to criminal proceedings; for in a multitude of cases the section renders admissible and declares by its statutory force to be relevant facts which, in no possible sense save the technical statutory sense in which the word is used in the Act, would be relevant.'

"And, emphasizing the distinction between the English and the Indian law on the subject, he adds—

'The English legislature passes an Act for the sole purpose of shielding an accused from prejudice. The legislature in this country enacts a provision for the express purpose of prejudicing him.'

"For my part, I need hardly say that I prefer the rule of the English law. To admit prejudice in the place of proof, or to supplement proof by prejudice, is not consistent with that spirit of fair and impartial enquiry which should characterise a Court of Justice. It is an old maxim *Nemo bis puniri debet pro uno delicto*; and it is in fact punishing a man a second time for the same offence, if a previous conviction can be urged against him, notwithstanding that it may have no possible bearing upon the question of the truth of the charge on which he is being tried. Moreover, unless a previous conviction is to be taken as proof of bad character, it is difficult to understand on what ground it is admissible in evidence, and yet evidence of bad character is declared to be irrelevant, except in rebuttal of an assertion of good character on the part of the accused. The only cases in which evidence of a previous conviction should, I think, be allowed to be given are cases in which the previous conviction is a fact in issue, or is relevant under the provisions of the Act applicable to evidence in general.

"It has been a work of some difficulty to frame amendments which shall carry out this principle in an intelligible way, so as to present the smallest amount of difficulty to those who will have to administer the law in its altered state. I will not attempt now to go in detail through the sections of the Act and point out the particular effect of each proposed alteration. But the amendments may be briefly stated as follows:—

- (1) the provision allowing a previous conviction to be proved in all cases will be repealed;
- (2) a previous conviction will be relevant under section 43 when it is a fact in issue or otherwise relevant under the Act;
- (3) a previous conviction will be relevant as evidence of bad character, when such evidence is relevant;
- (4) a previous conviction will be relevant to prove guilty knowledge or intention;
- (5) in cases of offences relating to coining and forgery, facts showing the existence of any state of mind, such as intention or knowledge, will be relevant although those facts do not show the existence of the state of mind in reference to the particular matter in question;
- (6) in cases where the accused is tried under section 234 of the Code of Criminal Procedure, 1882, at one trial for three offences of the same kind, the evidence relevant to prove one offence may be used as showing guilty knowledge or intention in the case of either of the other offences;
- (7) the fact that an act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, will be relevant to prove guilty knowledge or intention.

"As I do not propose to carry the Bill beyond its preliminary stages in Simla, but to postpone its consideration until the Council meets in Calcutta, there will be ample opportunity in the meanwhile for discussing these amendments and, it may be, of improving upon them.

"Two other amendments of the Evidence Act are dealt with by the Bill. The first relates to confessions, as to which section 26 of the Act provides that—

'No confession made by any person whilst he is in the custody of a police-officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.'

"This is a very wholesome provision, but it has become liable to be defeated owing to the word 'Magistrate' not being defined. The High Court of Madras has pointed out that village-headmen in that Presidency are Magistrates, and that it is very undesirable that persons of this class, 'who are often very illiterate and never very independent,' should by their presence make admissible what is really only a police confession. The same difficulty does not appear to have arisen in other Presidencies, and it will be effectually removed by section 3 of the Bill, which defines 'Magistrate' to be 'a person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, 1882.'

"The other amendment of the Evidence Act relates to section 86, and is effected by section 7 of the Bill. It provides for the authentication of foreign judicial records by political officers, and is intended to remove technical objections which have been raised under the existing words of the Act to the certification of such documents by officers who, though duly accredited to, are not actually resident in, the country concerned.

"The amendment of section 310 of the Criminal Procedure Code is subsidiary to the proposed amendments of the Evidence Act in regard to previous convictions."

The Motion was put and agreed to.

The Hon'ble SIR ANDREW SCOBLE also introduced the Bill.

The Hon'ble SIR ANDREW SCOBLE also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

#### CATTLE-TRESPASS ACT, 1871, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS moved for leave to introduce a Bill to amend the Cattle-trespass Act, 1871. He said:—

"For many years complaints have been made, particularly by planters, that the protection which the Act of 1871 affords is very inadequate. There is a special provision as regards pigs in section 26, but for other animals the Act does no more than permit occupiers of land to seize cattle found trespassing and convey them to the pound, from which they are not released until a small fine has been paid, varying from eight annas for a buffalo to one anna for a sheep or goat. This throws much trouble on the person injured, while the owners of the cattle causing the damage escape altogether upon payment of a very trifling fine. It is true that they might also be sued for compensation in a Civil Court, but, if the damage done has been considerable and a suit is anticipated, the real owner generally puts forward some man of straw to redeem the cattle from the pound, and this makes it very difficult to establish his responsibility. In rural tracts the procedure provided by the Act answers well enough: the cattle are all known, as well as those to whom they belong, and nearly every owner of cattle has his own crops to think of as well as those of his neighbours. But in planting districts, as well as near towns, the case is widely different.

"The practice in Coorg is to tie up all cattle during the day time in order to secure their manure, but to let them roam about at night and find pasture where they can. In Assam the cultivators are careful to watch and tend their cattle so long as they have growing crops of their own, but as soon as their rice has been harvested the animals are turned loose untended; and they do much damage, the buffaloes especially, by trespassing in the tea gardens. The fact

that they can be restrained when it is for the raiyat's advantage to restrain them makes it reasonable to insist on his responsibility when he neglects to do so. The fear of having to pay pound-fees has little effect: the animals can seldom be caught, and if by chance one here and there is seized and impounded the fine is too small to be deterrent.

"But it is not the planters only who are aggrieved. In 1886 the Raja of Bhinga in Oudh complained to the Deputy Commissioner of the 'nightly devastations committed on his tenants' crops by semi-wild cattle belonging to some residents of the neighbouring town. They live,' he said, 'in ever-constant dread that in a single night their whole year's labour and expectations may be brought to nought.' And similar representations have come from all parts of the country. In Nagpur, for instance, it is represented to be the general practice of the cowherds deliberately to turn their cows and buffaloes into private compounds at night, and doubtless the occupiers of the neighbouring fields suffer in the same way. You may see the cows, it is said, run into their owner's premises and the herdsman in attendance, but under the present law your only remedy is a tedious and expensive lawsuit. In another place, Orissa I believe, the cattle are actually trained to trespass and to take to their heels as soon as a note of warning is sounded by a man who remains at a safe distance."

"In view of these facts the Government of India in 1888 resolved to amend the law, as I propose to amend it now, by empowering Local Governments, in any area where cattle are thus wantonly allowed to stray and trespass, (1) to increase the fines leviable for animals impounded, and (2) to extend to other animals the special provision made in section 26 for the case of pigs. This section provides that—

'Any owner or keeper of pigs, who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall \* \* \* \* be punished with fine not exceeding ten rupees.'

"In other words, in the case of pigs damage by negligence has been recognized as a ground for criminal liability cognizable by a Magistrate in a summary manner, whereas similar damage caused by other cattle involves only a civil liability and constitutes a ground for civil action. The reason advanced by the Hon'ble Mr. Cockerell, in submitting the Select Committee's Report in 1871, was that there are peculiar difficulties in the way of seizing pigs and also of conveying them to the pound, but there are at least equal difficulties in regard to the capture of the trained or semi-wild cattle which cause so much mischief in Coorg, Assam, Nagpur, Orissa and other parts of the country. Such cattle are quite as mischievous, quite as agile and quite as difficult to seize as pigs, and it seems necessary to treat them in the same way.

"It has been said that those who complain ought to fence their properties, but no ordinary fencing would keep out the active cattle in question. The lighter animals will jump almost anything; the heavy buffalo crashes through any ordinary obstacle. Anyone who, like myself, has seen a strong fence of barbed wire completely wrecked by a sambhar plunging through it, would at once cease to urge this objection.

"Proposals for a local Regulation have been received both from Coorg and Assam, and a Bill to the same effect as that which I am about to lay on the table has been lately introduced into the Legislative Council of the Government of Bombay, in order to check the ravages committed by cattle in Gujarat and some other parts of that Presidency. But the Act to be amended is an Imperial Act, and it does not seem right to pass on to a Provincial Legislature the duty of making it effectual. The mischief exists in special parts of almost every Province, and this Council alone can make provision for them all.

"I have stated that as long ago as 1888 the Government of India at one time determined on legislation of the same character as that which I propose. It was, however, dropped for two reasons—on account of the difficulty of identifying the cattle or herdsmen, and thus bringing home the damage to the right persons; and because it was supposed that the amendments would not meet the requirements of the planters and others who had made special representations. As to the latter objection I have here a general memorial from representatives of all the planters of India, both Northern and Southern India, unanimously praying for

the extension of section 26 to other animals than pigs and accepting this single amendment as all that they require; and the former objection is only the latter in another shape—it was because it was thought that the owners could not be identified that the amendment was deemed insufficient. It might therefore be enough to say that it has now been accepted as sufficient—at all events by the planters; but I may add that the very fact that the unfortunate occupier of land will now have an easy remedy will induce him to take measures to secure the identification of trespassing cattle which he has not hitherto found it worth while to take.

"The main provision of my Bill, then, is to enable Local Governments in special areas to extend to other cattle the section which now applies only to pigs, and at the same time to raise the penalty from 10 to 25 rupees. But, in order to make this effectual by reaching the owner, I propose further to insert certain words in section 25, which authorizes the recovery of any fine imposed for mischief by sale of the cattle which cause the damage. Mischief implies an intention to cause wrongful loss or damage; but the keeper of cattle in this country is very generally a child of tender years and almost certainly a pauper. Proof of the offence of mischief against a child must always be difficult, while it would be useless to take proceedings against a pauper cowherd unless the fine could be enforced against the owner by sale of the animals. This will be secured by the third section of my Bill.

"By the second section Local Governments are empowered in special areas to raise the fines on impounded cattle to double the scale prescribed by the Act. But even these sums are very trifling, particularly in comparison with those which it has been found necessary to impose by the Forest Act on cattle trespassing on reserved forests. To prevent possibility of hardship I have reserved power to the magistracy to remit any amount above the fees laid down in the Act, and in view of this safeguard I am not sure that a higher maximum than double the standard scale might not be authorised. This, however, can be considered in due course by the Select Committee."

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also introduced the Bill.

The Hon'ble MR. HUTCHINS also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

#### CENSUS BILL.

The Hon'ble MR. HUTCHINS asked leave to postpone the Motion for leave to introduce a Bill to provide for certain matters in connection with the taking of the Census. He explained that the Bill was not quite ready, as some of its sections required to be reconsidered. He hoped to introduce the Bill at the next Council Meeting.

Leave was granted.

The Council adjourned to Thursday, the 10th July, 1890.

S HARVEY JAMES,

Secretary to the Government of India,

Legislative Department.

SIMLA;

The 4th July, 1890.



# The Gazette of India.

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SIMLA, SATURDAY, JULY 12, 1890.

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## PART VI.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF  
THE ACT OF PARLIAMENT 24 & 25 VICT., CAP. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 10th July,  
1890.

### PRESENT:

His Excellency the Viceroy and Governor General of India, G.C.M.G., G.M.S.I.,  
G.M.I.E., *presiding*.  
His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.  
The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.  
The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.  
The Hon'ble Sir C. A. Elliott, K.C.S.I.  
The Hon'ble P. P. Hutchins, C.S.I.  
The Hon'ble Sir D. M. Barbour, K.C.S.I.  
The Hon'ble R. J. Crosthwaite, C.S.I.  
The Hon'ble Bábá Khem Singh Bedi, C.I.E.

### CATTLE-TRESPASS ACT, 1871, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS moved that the Bill to amend the Cattle-trespass Act, 1871, be referred to a Select Committee consisting of the Hon'ble Sir Andrew Scoble, the Hon'ble Mr. Crosthwaite, the Hon'ble Bábá Khem Singh Bedi and the Mover.

The Motion was put and agreed to.

### CENSUS BILL.

The Hon'ble MR. HUTCHINS also moved for leave to introduce a Bill to provide for certain matters in connection with the taking of the Census. He said:—

"In the United Kingdom it has been the custom to pass a special Act in connection with each census, making it obligatory on the persons residing at the time within the kingdom to give the information required, and protecting them in turn against annoying questions not absolutely indispensable. The Act enters also into details of the agency by which the census is to be taken, and of the procedure consequent upon the enumeration.

"In India it is thought unnecessary to enter into such minutiae, but, when the last census was about to be taken, the Government of the day considered it advisable that the hands of those charged with the operations should be strengthened, and that possible irregularities on the part of the agency employed should be restrained, by a short enactment. This became law under the title of Act XIV of 1880.

"I am glad to say that, so far as misconduct on the part of the census officers and contumacy on that of the community at large are concerned, it was not necessary to have recourse to the penal provisions of the law, save in a very few exceptional cases. Nevertheless, the fact that such occasions did arise makes it impossible to assert that without those provisions the census operations would have been conducted with equal cordiality and absence of friction.

"I therefore propose to ask the Council to re-enact the provisions of the Act of 1880 with a few modifications suggested by the experience of officers who were engaged in the superintendence of the census on the last occasion.

"The Bill, which I now lay on the table, provides first by sections 3 and 4 for the formal appointment of persons to aid in taking the census, investing them, whilst acting in that capacity, with the character of public servants within the meaning of the Penal Code.

"It next provides, by the fifth section, for the enumeration of special aggregates of people by the person in charge of or in authority over those aggregates. Thus, if so required, a military officer will enumerate his regiment; a shipmaster, his crew; a superintendent, the inmates of his asylum, jail, or hospital; and an agent or manager, the persons on the railway premises, plantation or factory of which he is in charge.

"By section 6 District Magistrates are empowered to requisition from landholders, lessees of fisheries and others such assistance as may be needed towards the enumeration of persons on their lands, fisheries, or the like.

"Sections 7, 8 and 9 of the Bill are peculiarly necessary in India, where the vast majority of the population can neither read nor write, and cannot be trusted either to get properly filled up, or even to safely keep in their possession, a document like a census schedule. To guard against the loss of the schedule, or incorrect and incomplete returns, the documents in question will under the procedure laid down in these sections be retained in the custody of census officers, and filled in by them on behalf of the householders residing in the areas of which they are in charge. At the same time the tenth section leaves it to the discretion of the Local Government to adopt, to such extent as it thinks proper, the custom followed in the United Kingdom of throwing upon the householder in person the task of filling up the returns, and on the census officer only that of distributing and collecting the schedules, with the responsibility of seeing that the entries are in accordance with the instructions. On this point a modification has been introduced into the Bill by section 14, which allows the extension of the provisions of sections 7, 8 and 9 even to areas in which there are in force Municipal Acts or rules based exclusively on the English system of enumeration. Even our municipal towns contain a very considerable illiterate population to which, as I have shown, that system is unsuited.

"A second modification will be found in the provisions of sections 9 and 11 with regard to the numbering of houses. This process is indispensable in order that the enumerator may identify each building he has to visit, but at the last census in a few cases it was resisted. In the present Bill, therefore, such opposition has been made penal, but at the same time care has been taken to limit the duration of what some owners may consider the disfigurement of their houses. The numbers must not be removed or obliterated before 31st March.

"The Bill contains only one other new penal provision, and this has been rendered necessary by several instances which occurred at the last census, and more especially in parts of the country where it was very difficult to obtain an adequate supply of census officers. An enumerator or supervisor, after having undertaken duties in a certain area, was found at the last moment to have

departed to a distant place without informing the official responsible for arranging for agency of his intended absence, and of course without providing a substitute for his work on the census night. Such neglect of duty will now be punishable unless some sufficient excuse can be established. The other penal provisions contained in section 11 are the same as in the Act of 1880.

"And the last remark applies to the rest of the Bill. Section 12 re-enacts the safeguard provided by the Act of 1880 against the reckless initiation of prosecutions in connection with the census; whilst, to guard against false entries from interested motives, section 13 provides that no entry shall be admissible as evidence in any litigation, thus precluding the attainment of the end for which such entries would ordinarily be made, but it allows the record to remain evidence for the purposes of the administration of the census."

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also introduced the Bill.

The Hon'ble MR. HUTCHINS also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

#### CHRISTIAN MARRIAGE ACT, 1872, AMENDMENT BILL.

The Hon'ble SIR ANDREW SCOBLE moved for leave to introduce a Bill to amend the Indian Christian Marriage Act, 1872. He said:—

"The Indian Christian Marriage Act was passed in 1872, after very careful deliberation, and it is not without reluctance that I invite the Council to reconsider a measure which affects such important interests and is so calculated to open the floodgates of controversy. But the amendments which I have to propose are supported by such weighty authority, and tend so completely to strengthen the safeguards which the Act provides against irregular marriages, that I hope they may be accepted without giving rise to unprofitable discussion or the assertion of claims which it would be contrary to the policy of Government to recognize.

"The Bishops of the Church of England in India and Ceylon, at a Provincial Conference held in January, 1888, made two suggestions for the amendment of the Act, the first of which was designed to guard against the possibility of a marriage being solemnized by a person who, though episcopally ordained, does not hold the Bishop's license to officiate in the diocese; and the second to render persons taking a false oath before a Surrogate appointed by a Bishop to issue marriage licenses liable to punishment under the Penal Code. The first of these proposals is carried into effect in section 1 of the Bill, and is clearly desirable for the prevention of scandal. To the second proposal a wider application has been given in section 4 of the Bill, which provides that where an oath, declaration, notice or certificate is required by the Act, or by any rule or custom of either the Church of England, the Church of Scotland or the Roman Catholic Church, the penalties of perjury shall attach to any person intentionally making a false oath or declaration, or signing a false notice or certificate, for the purpose of procuring a marriage or license of marriage.

"Sections 2 and 5 of the Bill are intended to remove ambiguities which have been found to exist in sections 11 and 68 of the Act.

"The object of sections 3 and 6 is to introduce greater regularity into the record of marriages of Native Christians performed under Part VI of the Act. As the law now stands, such marriages may be solemnized by persons licensed under section 9 to grant certificates of such marriages; but the person so licensed, and celebrating such a marriage, is not required to grant a certificate except upon the application of one of the parties to the marriage, and on payment of a fee, and is only bound to keep a register-book of the marriages in respect of which certificates are granted. It has thus come to pass that, in cases of bigamous or other irregular marriages, no certificate is applied for, and no record is consequently made. To check these loose practices, which are not of uncommon occurrence, section 3 of the Bill provides that registers of all marriages



solemnized by such licensed persons shall be duly kept, and section 6 enacts a penalty for failure in this or any other duty prescribed by the Act.

"The seventh section of the Bill is framed to get over a difficulty which has arisen from the wording of section 86 of the Act, in which powers are conferred on the Governors in Council of Madras and Bombay with respect to Native States situate within the local limits of those Presidencies. It is contended that States like Travancore and Cochin are outside rather than within the local limits of the Presidency of Madras, and the Bill accordingly extends jurisdiction to States bordering on as well as those situate within the limits of a Presidency."

The Motion was put and agreed to.

The Hon'ble SIR ANDREW SCOBLE also introduced the Bill.

The Hon'ble SIR ANDREW SCOBLE also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 24th July, 1890.

S. HARVEY JAMES,

SIMLA;

The 17th July, 1890.

Secretary to the Government of India,

Legislative Department.



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART VI.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF  
THE ACT OF PARLIAMENT 24 & 25 VICT., CAP. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 24th July,  
1890.

### PRESENT:

His Excellency the Viceroy and Governor General of India, G.C.M.G., G.M.S.I.,  
G.M.I.E., *presiding*.  
His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.  
The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.  
The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.  
The Hon'ble Sir C. A. Elliott, K.C.S.I.  
The Hon'ble P. P. Hutchins, C.S.I.  
The Hon'ble Sir D. M. Barbour, K.C.S.I.  
The Hon'ble R. J. Crosthwaite, C.S.I.  
The Hon'ble Bába Khem Singh Bedi, C.I.E.

### CENSUS BILL.

The Hon'ble MR. HUTCHINS moved that the Bill to provide for certain matters in connection with the taking of the Census be referred to a Select Committee consisting of the Hon'ble Sir Andrew Scoble, the Hon'ble Sir Charles Elliott, the Hon'ble Mr. Crosthwaite and the Mover, with instructions to report after two months.

The Motion was put and agreed to.

### PETROLEUM ACT, 1886, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS also moved for leave to introduce a Bill to amend the Schedule to the Petroleum Act, 1886. He said:

"In one sense this is a very simple measure, but at the same time it is of so extremely technical a character that it will only be really intelligible to experts in physical science. I trust the Council will be satisfied with a very general explanation of the amendments proposed. It would require a lecture in chemistry and a series of practical illustrations with a proper apparatus clearly to demonstrate wherein the old schedule is defective and how the defects are to be remedied."

"Section 4 of the Act defines the flashing point of petroleum to be the lowest temperature at which it yields a vapour furnishing a momentary flash when tested in accordance with the directions contained in the schedule. This schedule was originally prepared in England by Sir F. Abel, Dr. Warden of Calcutta and Mr. Redwood, but it was modified at Dr. Warden's instance by the insertion of provisions, (1) that no flashing point obtained should be accepted unless it was at least 8° above the temperature at which the testing commenced, (2) that when a flash occurs on the first application of the flame the next test should commence at a temperature lower by 10°. It was subsequently objected that this procedure would soon bring the temperature down below the limit of 40° to which the Abel apparatus is graduated, and it would consequently be impossible to determine the legal flashing point of highly inflammable oils. A reference on this point has been made to Sir F. Abel, and the result is that a further slight modification must be made in the directions.

"As now drafted, the schedule has been finally approved by Sir F. Abel and our scientific advisers in this country, and I trust the Council will accept it in reliance on their eminent authority. I have only to add that, since any oil flashing below 47° is to be condemned as dangerous, it is not necessary to determine with exactitude any flashing point below that temperature. All that is required is to make sure, before condemning the oil, that it really flashes below 47°, and this will be ascertained beyond doubt by applying the test at 46° three times in succession."

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also introduced the Bill.

The Hon'ble MR. HUTCHINS also moved that the Bill be taken into consideration at the next Meeting of the Council, when he would explain the urgency of the matter.

The Motion was put and agreed to.

#### PAPER CURRENCY ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved for leave to introduce a Bill to amend the Indian Paper Currency Act, 1882. He said:

"The amendment which it is proposed to make is a very simple one.

"Under the provisions of the existing law, the whole amount of the coin and bullion received for currency notes is retained as a reserve to pay these notes, with the exception of such an amount, not exceeding six crores of rupees, as the Governor General in Council, with the consent of the Secretary of State for India, may from time to time fix. The amount of coin or bullion which is not retained as a reserve may be invested in securities of the Government of India.

"The amount at present invested in securities of the Government of India is in round numbers six crores of rupees, being the maximum amount which can be invested under the law as it now stands, and the investment was raised to this figure in 1877-78. Since that time the total note circulation has largely increased. In 1877-78 the minimum circulation of the year was Rs. 11,13,00,000; in 1888-89 the minimum circulation was Rs. 14,82,00,000; in 1889-90 the minimum circulation was Rs. 14,96,00,000; and, according to the latest return, the actual circulation was as much as Rs. 18,00,00,000 on the 7th of the present month. Under the circumstances the time has clearly arrived when it is expedient to increase the limit of investment. The Bombay Chamber of Commerce, the Calcutta Chamber of Commerce and the Madras Chamber of Commerce have all expressed themselves in favour of raising the legal limit of investment from six to eight crores of rupees. The Government of India is also of opinion that this may safely be done, and the Secretary of State for India in Council has given his approval.

"For my own part I think that if we err at all in this matter it is on the side of caution rather than of rashness, and I believe that there will be no opposition from any section of the public to a measure which is well within the limits of safety, and which will ultimately add eight lakhs of rupees yearly to the public revenue."

The Motion was put and agreed to.

The Hon'ble SIR DAVID BARBOUR also introduced the Bill.

The Hon'ble SIR DAVID BARBOUR also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

#### NORTH-WESTERN PROVINCES AND OUDH BILL.

The Hon'ble MR. CROSTHWAITE moved for leave to introduce a Bill to provide for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh. He said:

"Owing to difficulties which had arisen in the revenue administration of the Benares Division and in the judicial and revenue administration of the province of Oudh, a Committee was appointed by the Lieutenant-Governor and Chief Commissioner to consider the question of reorganizing the existing divisions in the North-Western Provinces and of making such changes in the administration of Oudh as would facilitate the conduct of the business of the judicial and revenue departments. The proposals contained in the report of the Committee have been in the main approved by the Local Governments and by the Government of India, and the measure which I now ask leave to introduce is intended to give effect to these proposals.

"In the North-Western Provinces it has been found that the Benares Division is too extensive a charge for one Commissioner, and it is, therefore, necessary to reduce the size of that division, and consequently to reorganize other divisions. The Benares Division includes seven districts with an area of 18,337 square miles, and a population according to the census of 1881 of nearly 10 millions. The Allahabad Division, which has the next largest area and population after the Benares Division, contains an area of 13,745 square miles with a population of 5½ millions. The work, therefore, which the Benares Commissioner has to dispose of considerably exceeds that which devolves on any other Commissioner. The number of appeals in rent-cases, for instance, in the Benares Division almost equal to the total number of such appeals in the Meerut, Agra and Rohilkhand Divisions taken together, while the partition and other revenue cases are far more numerous than in any other division except Allahabad. It has consequently been found necessary twice within the last three years to appoint an Additional Commissioner to clear off the arrears of business which had accumulated. In consequence, moreover, of the increase of railway communication throughout the division, there is every reason to expect that the work of the Commissioner will increase.

"It has been decided, therefore, to separate the three important districts of Gorakhpur, Basti and Azamgarh from the Benares Division, to create a new division containing those districts, to transfer the district of Jaunpur from the Allahabad to the Benares Division, and to make the latter division consist of the five permanently-settled districts of Benares, Mirzapur, Ghazipur, Ballia and Jaunpur. The transfer of the Jaunpur District from the Allahabad to the Benares Division will enable the Local Government to abolish the Jhānsi Division. At present this division, which comprises the districts of Jhānsi, Jalaun and Lalatpur, is a scheduled district under the Scheduled Districts Act, 1874, and is administered somewhat after the manner of a non-regulation province, the Commissioner exercising civil and criminal judicial powers, and the districts being administered by Deputy Commissioners and Assistant Commissioners, who besides their revenue and magisterial functions have also the powers of Civil Courts. Hitherto, mainly owing to the fact that the division lies to the south of the Jumna and that it is difficult of access in the rainy season, it has been thought desirable to maintain it as a separate division. The difficulty of access has, however, disappeared owing to the opening of the Indian Midland Railway and the construction of a bridge across the Jumna at Kalpi. The Jhānsi Division has now been brought into

immediate contact with the rest of the North-Western Provinces, and it can conveniently be administered by the Commissioner of Allahabad.

" Having regard to the area of the Jhānsī Division, its population and the duties which the Commissioner has to perform, His Honour the Lieutenant-Governor is of opinion that it is now unnecessary to maintain it as a separate division. It has therefore been decided to abolish the Commissionership, to remove the Jhānsī Division from the list of scheduled districts and to unite it to the Allahabad Division, placing it under the same laws as are in force in that division. The result will be that the Jhānsī Courts Act, 1867, will be repealed, the civil judicial powers now exercised by the revenue-officers will be withdrawn and transferred to the regular Civil Courts to be established in the Division, and the criminal jurisdiction now exercised by the Commissioner will be exercised by the Sessions Judge. His Honour also considers that the small and unimportant district of Lalatpur, which is not far from Jhānsī and is connected with it by rail, may safely be reduced to a sub-division of the Jhānsī District.

" To give effect to these proposals Part I of the Bill amends (section 3) the North-Western Provinces Land-revenue Act, 1873, so as to empower the Local Government, with the previous sanction of the Governor General in Council, to create new, or abolish existing, divisions or districts, and to alter the limits of any division or district. This will enable the Local Government, with the proper sanction, to alter the limits of the Benares Division, to create a new division consisting of Gorakhpur, Basti and Azamgarh, to abolish the Jhānsī Division, to unite the territories now included therein to the Allahabad Division, and to reduce Lalatpur to a sub-division.

¶ The removal of the Jhānsī Division from the list of scheduled districts and the assimilation of the law in that division to the law in force in the Allahabad Division are provided for by sections 4 and 7 of the Bill. The provisions required for pending cases owing to the repeal of the Jhānsī Courts Act, 1867, and the extension to the Jhānsī Division of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, are contained in section 8 of the Bill.

" With regard to Oudh it is proposed to transfer to the Board of Revenue of the North-Western Provinces the powers and duties now conferred on, and performed by, the Chief Commissioner as the Chief Controlling Revenue-authority.

" At present the Chief Commissioner of Oudh discharges in respect of Oudh most of the duties performed by the Board with regard to the land-revenue administration in the North-Western Provinces. Appeals in partition cases, for instance, are decided by him; the ultimate decision in all matters involved in the administration of the land-revenue lies with him; and the direction of the machinery of the revenue administration is immediately in his hands. There can be no doubt that these various duties, some of them being of a judicial nature, cannot be performed satisfactorily by the Lieutenant-Governor and Chief Commissioner who administers both the North-Western Provinces and Oudh. For the due discharge of such duties an amount of direct personal attention and supervision is required which it is impossible for the head of a large Government to give. Already the Departments of Excise, Stamps, Income-tax and Treasuries in Oudh have been made over to the Board of Revenue, and it is proposed to complete the transfer of business and to make the Board of Revenue of the North-Western Provinces the Board of Revenue of the North-Western Provinces and Oudh.

" Accordingly sub-section (1) of section 10 of the Bill provides that the Board of Revenue constituted under the North-Western Provinces Land-revenue Act, 1873, shall be also the Board of Revenue of Oudh and shall hereafter be designated the Board of Revenue of the North-Western Provinces and Oudh. Sub-section (3) of the same section makes the Board the Chief Controlling Revenue-authority in Oudh; and sections 11 and 12 and sections 14 to 29 (both inclusive) make in the Oudh Land-revenue Act, 1876, the amendments which are required to transfer from the Chief Commissioner to the Board the powers and duties which in revenue matters are conferred on, and performed by, the Board in the North-Western Provinces. Care has been taken to preserve the special powers of the Chief Commissioner and the Governor General in Council in the settlement of taluqdari mahāls and the powers of the Chief Commissioner with regard to annulling the settlement of such mahāls for arrears of revenue.

"The next proposal with regard to Oudh is to relieve the Commissioners of their judicial functions, and to place them and the District Judges as nearly as possible on the same footing as officers of corresponding designations in the North-Western Provinces. There are at present in Oudh four divisions which are each composed of three districts; and the duties of a Commissioner have been described as follows:—The Commissioner supervises the proceedings of the district officers in all matters connected with the revenue in its various branches, and with the executive administration generally, and he is the channel of communication between the district officers and the Government. In certain cases appeals lie to him: in nearly all he is competent to revise and control. In respect of all that class of litigation between agricultural tenants and their landlords which is excluded from the jurisdiction of the ordinary Civil Courts and which is disposed of by Courts of Revenue under the Oudh Rent Act, the Commissioner exercises a wide appellate jurisdiction. In addition to these duties he is also the Sessions Judge for his division, and in that capacity he has to try as a Court of Session the most serious of the criminal cases and to hear criminal appeals.

"The system under which one officer is the chief executive authority in a division and also exercises civil and criminal judicial functions has been found to work well in the early, and what may be called the non-regulation, stage of a province, when the laws are simple and the work is light. But when the province becomes developed and passes out of the non-regulation stage, when the law becomes more complicated and the work heavier, it is extremely difficult to carry on such a system satisfactorily. On the one hand, the Commissioner has to listen to the exhortations and admonitions of the Local Government with regard to his executive work; on the other hand, the chief judicial authority requires him to dispose of his judicial work promptly and regularly, and finds fault if there is a delay in the trial of sessions cases or in the hearing of appeals. The pressure of judicial work becomes so great that the Commissioner cannot give the requisite amount of time and attention to the administrative business of his Division, and it is found that to meet the requirements of the executive and judicial administrations it is necessary to separate the executive and judicial functions discharged by the Commissioner. His Honour the Lieutenant-Governor considers that the time has now arrived when this separation should be carried out in Oudh. The relief which will thus be afforded to the Commissioners will enable the Local Government to reduce the number of divisions to two, but it will be necessary at the same time to increase the number of District Judges. It is proposed also, in order that Munsifs and Subordinate Judges in Oudh may be able to assist the District Judge more effectually, to confer upon them a jurisdiction similar in extent to that exercised by the same classes of officers in the North-Western Provinces. With the object of relieving Commissioners of some of the judicial functions which they have to discharge under the Oudh Rent Act, 1886, it has been decided to amend that Act so as to confer on District Judges appellate jurisdiction in rent cases similar to the like jurisdiction exercised by District Judges in the North-Western Provinces, and to confine the jurisdiction of the Commissioner and the Board to that class of rent-cases which has been found by experience to be most suitably dealt with by the Revenue authorities.

"To carry out these proposals the Bill (section 13) inserts in the Oudh Land-revenue Act a section (4B) empowering the Chief Commissioner, with the previous sanction of the Governor General in Council, to create new, or abolish existing, divisions. Sections 33, 34 and 35 amend the Oudh Civil Courts Act, 1879. The ordinary jurisdiction of the Munsif is raised from suits of a value not exceeding Rs. 500 to suits of a value not exceeding Rs. 1,000, while power is given to the Local Government to extend the jurisdiction of a Munsif to suits of a value not exceeding two thousand rupees, and the jurisdiction of a Subordinate Judge to all suits cognizable by the Civil Courts. Provision is made (section 34) for appeals from the decrees of a Subordinate Judge upon whom this extended jurisdiction may be conferred, and a power, similar to the power conferred on the High Court by section 21 (4) of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, is given to the Judicial Commissioner to direct that appeals from a Munsif shall be preferred to a specified Subordinate Judge. Section 35 of the Bill amends section 27 of the Oudh Civil Courts Act,

1890, so as to give the District Judge in Oudh the same jurisdiction under the Indian Divorce Act as is conferred by that Act on District Judges in the Regulation Provinces.

"The amendments which it is proposed to make in the Oudh Rent Act are contained in sections 37 to 51 (both inclusive) of the Bill. By section 39 of the Bill the Board is made a Court of Revenue in the place of the Judicial Commissioner in section 109 of the Act. Section 119 of the Act is amended by section 44 of the Bill on the lines of section 189 of the North-Western Provinces Rent Act, 1881, so as to make the decrees and orders of a Collector or Assistant Collector in a specified class of suits final, except in certain cases in which an appeal is allowed to the Judge or the Judicial Commissioner according to the value of the suit. Generally the rules regarding appeals have been assimilated to the rules under the North-Western Provinces Rent Act, 1881; power is given (section 47) to the Board to revise cases in which no appeal lies and to review its own orders, and to the Commissioner and the subordinate Courts to grant a review of judgment in cases which are not appealable.

"I need not, my Lord, detain the Council with a fuller examination of the Bill. Various slight amendments which do not require explanation have been made in enactments in force in Oudh so as to effect the transfer of the duties of the Chief Controlling Revenue-authority from the Chief Commissioner to the Board; and I may mention that the Act is divided into three Parts which can be separately put in force, Part I relating to the North-Western Provinces, Part II relating to Oudh, and Part III relating to both the North-Western Provinces and Oudh. Part I contains the legislation required for the North-Western Provinces, Part II the legislation required for Oudh, and Part III provisions regarding the Board of Revenue which will, under section 10 of the Bill, be the Board of Revenue of the North-Western Provinces and Oudh."

The Motion was put and agreed to.

The Hon'ble MR. CROSTHWAITE also introduced the Bill.

The Hon'ble MR. CROSTHWAITE also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the North-Western Provinces and Oudh Government Gazette in English and in such other languages as the Local Government thinks fit.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 31st July, 1890.

S. HARVEY JAMES,

SIMLA;  
The 25th July, 1890.

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Secretary to the Government of India,

Legislative Department.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 2, 1890.

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## PART VI.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF  
THE ACT OF PARLIAMENT 24 & 25 VICT., CAP. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 31st July,  
1890.

### PRESENT:

His Excellency the Viceroy and Governor General of India, G.C.M.G., G.M.S.I.,  
G.M.I.E., *presiding*.

His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.

The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.

The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.

The Hon'ble Sir C. A. Elliott, K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble R. J. Crosthwaite, C.S.I.

The Hon'ble Bábá Khem Singh Bedi, C.I.E.

### PETROLEUM ACT, 1886, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS moved that the Bill to amend the Schedule to the Petroleum Act, 1886, be taken into consideration. He said:

"Although Act XI of 1886 was passed in March 1886, it has not yet come into force. Under its first section it has to be brought into force by a notification in the Gazette of India. Elaborate rules to regulate the importation, storage, possession and transport of petroleum have been framed under sections 8 and 11 by the different Local Governments, the necessary testing apparatus have been provided, and I have been most anxious to introduce the Act, and have only refrained from doing so on account of the ambiguity in the schedule, of which I gave some explanation at the last meeting of the Council. This objection will be removed if the Bill now on the table is allowed to become law.

"Before they consent to pass the Bill, Hon'ble Members will doubtless like to know what are the precise amendments which have been made in the schedule as passed in 1886. A copy of the Bill is before each Member and perhaps he will kindly refer to it. The alterations are as follows. In line 3 of the third clause the word 'two' has been substituted for 'the'. At line 8 the following clause has been interpolated, *viz*, 'and if in no instance the flash has taken place within 8° of the temperature at which the testing is commenced'. Again,



at line 16 of the same clause and at line 9 of the fourth clause a like provision has been inserted. On the other hand, words to the like effect, but which from their position had given rise to ambiguity, have been omitted from the beginning of the fourth clause. The proviso at the end of the fourth clause is practically the only new matter, and I explained last week why it was necessary.

"As the schedule is purely technical and the amendments are but slight and have been approved by the best scientific authorities, I ask that the Bill may now be taken into consideration and passed, so as to enable the Government to give early effect to an enactment which has remained idle on the statute-book for upwards of four years."

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also moved that the Bill be passed.

The Motion was put and agreed to.

#### NORTH-WESTERN PROVINCES AND OUDH BILL.

The Hon'ble MR. CROSTHWAITE moved that the Bill to provide for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh be referred to a Select Committee consisting of the Hon'ble Sir Andrew Scoble, the Hon'ble Sir Charles Elliott, the Hon'ble Mr. Hutchins and the Mover, with instructions to report after two months.

The Motion was put and agreed to.

#### INDIAN EMIGRATION ACT, 1883, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS moved for leave to introduce a Bill to amend the Indian Emigration Act, 1883. He said:

"The main object of this Bill is to do away with the necessity of an entirely fresh survey of a steamer simply because it proposes to carry emigrants. Under our Emigration Act of 1883 no vessel can embark emigrants without a license: the master is required to apply for a license through the Protector of Emigrants; and section 56 goes on to provide that the Protector 'shall cause the vessel to be surveyed by a competent person at the cost of the master, with a view to ascertain her seaworthiness, and the extent and nature of her accommodation for emigrants, and to ascertain that she is properly ventilated, and is supplied with all the tackle, apparel and furniture requisite for her intended voyage.' Hon'ble Members will observe that this direction is absolute—the Protector shall cause a survey to be made. The steamer may be a new one and of the highest class; it may have been fully surveyed, and have obtained a certificate of seaworthiness a month or even a day before; but, unless such survey was held under the orders of the Protector, it is ineffectual and the certificate goes for nothing, so far as the embarkation of emigrants is concerned.

"Now in 1883 and for a few years afterwards I do not suppose that many steam-vessels were offered for the Indian emigration service, and no inconvenience was experienced. But of late, I am glad to say, the use of steamers for this purpose has become quite common, very much to the comfort and advantage of natives of India proceeding to our colonies. This Council will certainly be anxious to encourage the best class of steamers to offer themselves for the carriage of emigrants, and therefore to remove any unnecessary restrictions tending to make such service vexatious or unremunerative. I understand that to open up a ship and her machinery for a complete survey involves a loss of at least a week at Calcutta; and at Madras, our other great emigration port, it is reported to be quite impossible fully to carry out the letter of the law. Owing to the want of docking accommodation, a complete survey of the hull of a vessel is impracticable, and even the internal examination cannot be properly conducted, since steamers which now take emigrants from Madras invariably arrive there with cargo on board. In practice, therefore, at Madras the law, as it now stands, does not appear to be fully obeyed, while at Calcutta the requirement of an altogether fresh survey involves a great deal of delay and needless expense, and has deterred, and is likely to deter, the best and largest steamers from tendering for emigration service.

"Of course, I am not proposing to send emigrants to sea without having taken all reasonable precautions that the vessel in which they are to be conveyed is fit for the voyage. I merely submit that where a survey certificate of seaworthiness

has been granted by a competent authority, and is still in force for other voyages, it is needless to insist on an entirely fresh survey simply because the steamer is to carry emigrants. In a matter of this kind we may well follow the lead of British legislation, and the Merchant Shipping Act of 1876 contains just such a provision against double survey in the case of emigrant steamships as I ask to be allowed to introduce here. Section 18 of that Statute runs as follows:

'In every case where a passenger certificate has been granted to any steamer by the Board of Trade under the provisions of the Merchant Shipping Act, 1851, and remains still in force, it shall not be requisite for the purposes of the employment of such steamer under the Passengers Acts that she shall be again surveyed in her hull and machinery..... but... such Board of Trade certificate shall be deemed to satisfy the requirements of the Passengers Acts with respect to such survey, and any further survey of the hull and machinery shall be dispensed with; and so long as a steamship is an emigrant ship, that is, a passenger ship within the meaning of the Passengers Acts..... and the provisions contained in the said..... Acts as to the survey of her hull, machinery and equipments have been complied with, she shall not be subject to the provisions of the Merchant Shipping Act, 1854, with respect to the survey of and certificate for passenger steamers.....'

'The employment of steamers for the conveyance of passengers to or from British Indian ports is regulated by our Act VII of 1884. Section 4 forbids any steamship to carry more than twelve passengers unless she holds a subsisting certificate of survey granted in accordance with the provisions of that Act; but section 5 makes several exemptions from this prohibition, and among them the following:

'(a) any steamship having a certificate of survey granted by the Board of Trade or any British Colonial Government, unless it appears from the certificate that it is inapplicable to the (particular) voyage..... or service....., or unless there is reason to believe that the steamship has, since the grant of the certificate, sustained injury or damage, or been found unseaworthy or otherwise inefficient;'

"In other words, a certificate of the Board of Trade or of a British Colonial Government is treated *prima facie* as equivalent to one granted after a survey under our own Act. A certificate granted under the Act continues in force for one year, unless some shorter period is stated in the certificate itself. I confidently submit that any of these certificates, whether obtained from the Board of Trade or from a British Colonial Government, or from the officers appointed in that behalf under our own Act, may safely be accepted, so long as they remain in force, as *prima facie* proof of continuing seaworthiness. So far, then, as the hull and machinery are concerned, it is unnecessary that the surveyor appointed under the Emigration Act to examine a vessel holding such a certificate and tendered for the conveyance of emigrants should do more than satisfy himself by a general inspection, by examining the ship's log, and by such other enquiries as he is able to make, that the hull and machinery have not sustained any substantial injury or otherwise become inefficient since the date of the certificate. Of course, he will not be relieved in any way from the duty of making a close personal examination of the space set apart for the emigrants, or of the ship's ventilation and equipments, such as the condensing apparatus, boats, fire-gear and tackle.

"There is one other respect in which I ask leave to propose an amendment of the law relating to emigration. Hon'ble Members will remember that emigration from British India is conducted upon two very different systems. There is, first, the very elaborate system laid down in the Act of 1883, which is applicable to the colonial possessions specified in the schedule to that Act; and then there is the system of free emigration to the Straits Settlements, regulated only by some very simple rules outside the Act, which by section 102 declared that a person who satisfies the definition of emigrating in all other respects shall not be deemed to emigrate if his destination is the Straits Settlements. Subsequently, by Act XXI of 1884, this exemption was extended so as to include 'any protected Native State adjoining the Straits Settlements' which the Governor General in Council may notify in the Gazette of India. A further field in the same direction has now been opened up to emigration from Southern India. This is British North Borneo, and it is proposed to carry on the emigration to that territory, as to the Native States just mentioned, through the agency of the Government of the Straits Settlements. My Bill will therefore include a further extension of the exemption contained in section 102 of the Act of 1883, as amended by Act XXI of 1884, so as to cover any colony to which emigrants, or

persons who would be emigrants if they were going elsewhere out of India, are conveyed through the agency of the Government of the Straits Settlements."

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also introduced the Bill.

The Hon'ble MR. HUTCHINS also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

#### INDIAN SALT ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved for leave to introduce a Bill to amend the Indian Salt Act, 1882. He said:

"In 1882 the great inland customs line of India was abolished and the duties levied on sugar under the Inland Customs Act of 1875 were remitted. The duty on salt ceased to be collected by means of a customs line, and was levied at the places where the salt was produced or manufactured.

"The provisions of the Inland Customs Act of 1875 consequently became to a great extent obsolete, and that Act was repealed, and only so much of it as appeared to be required was re-enacted in the Indian Salt Act of 1882, which consolidated a number of enactments relating to salt.

"Although the inland customs line was abolished and the levy of duty on sugar and salt crossing that line consequently ceased, a preventive line, of minor importance was still kept up. This was the Indus preventive line, which lies along the upper portion of the river Indus in British territory, and which is intended to prevent the passage of the lightly taxed Kohat salt into the cis-Indus districts.

"It is impossible to say now whether the existence of this preventive line was overlooked in 1882, or whether it was hoped that it would be found possible to abolish it. However this may be, it has not been found possible to abolish the Indus line, and it has continued to exist up to the present time, although certain powers for the regulation of traffic and certain rights of search which are essential for the effective maintenance of the line had been taken away by the repeal of the Inland Customs Act of 1875.

"These powers had been exercised for many years before 1882, and they have been exercised since that year, although the legal basis on which they rested had been withdrawn. So long as these powers were exercised with the consent of the persons affected, or at any rate without any opposition on their part, no practical inconvenience arose. But it has now been brought to light by a decision in a Criminal Court that there is no longer a legal basis for the exercise of the powers in question, and that if the persons affected choose to object to their exercise they can no longer be put in force.

"It is therefore proposed to restore, so far as regards the Indus preventive line, such of the powers formerly given by the Inland Customs Act of 1875 as are necessary for the effective maintenance of the line.

"It has been found possible to make the provisions of the present Bill somewhat less stringent than those of the Act of 1875; and as it is hoped that we may be able to shorten the preventive line, and effect a useful reform, by abandoning the lower portion of the line and substituting a preventive line running westward from the Indus to the frontier, the necessary provision for this purpose has been made in the Bill."

The Motion was put and agreed to.

The Hon'ble SIR DAVID BARBOUR also introduced the Bill.

The Hon'ble SIR DAVID BARBOUR also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 28th August, 1890.

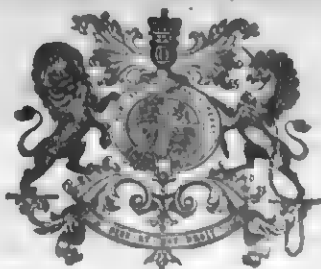
S. HARVEY JAMES,

Secretary to the Government of India,

Legislative Department.

SIMLA;

The 1st August, 1890.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 30, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART VI.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF  
THE ACT OF PARLIAMENT 24 & 25 VICT., CAP. 67.

*Abstract of the Proceedings of the Council of the Governor General of India,  
assembled for the purpose of making Laws and Regulations under the  
provisions of the Act of Parliament 24 & 25 Vict., cap. 67.*

The Council met at Viceregal Lodge, Simla, on Thursday, the 28th August,  
1890.

### PRESENT:

The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.,  
*presiding.*  
His Honour the Lieutenant-Governor of the Punjab, K.C.S.I.  
His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.  
The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.  
The Hon'ble Sir C. A. Elliott, K.C.S.I.  
The Hon'ble P. P. Hutchins, C.S.I.  
The Hon'ble Sir D. M. Barbour, K.C.S.I.  
The Hon'ble R. J. Crosthwaite, C.S.I.  
The Hon'ble Bábá Khem Singh Bedi, C.I.E.

### PAPER CURRENCY ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved that the Bill to amend the Indian Paper Currency Act, 1882, be taken into consideration. He said that the Bill was a very simple one, and merely provided for the substitution of the word "eighty" for "sixty" in section 19 of the present Act; it was, therefore, considered unnecessary to refer it to a Select Committee.

The Motion was put and agreed to.

The Hon'ble SIR DAVID BARBOUR also moved that the Bill be passed. He said that the question with which the Bill dealt had been before the public for some time. It had been widely discussed and generally approved. When he introduced the measure he explained its object and the grounds upon which it was proposed to take power to increase the amount of the Paper Currency

reserve which might be invested in Government securities. He did not think that any further remarks were necessary on the present occasion.

The Motion was put and agreed to.

#### INDIAN EMIGRATION ACT, 1883, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS moved that the Bill to amend the Indian Emigration Act, 1883, be referred to a Select Committee consisting of the Hon'ble Sir Andrew Scoble, the Hon'ble Mr. Crosthwaite, the Hon'ble Bábá Khem Singh Bedi and the Mover, with instructions to report within one month.

The Motion was put and agreed to.

#### BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS also moved for leave to introduce a Bill to amend the Births, Deaths and Marriages Registration Act, 1886. He said:—

"The main object of this measure is to extend the time within which certain registers of births, baptisms, namings, dedications, deaths or burials, not now admissible to prove such occurrences, may acquire a status which will permit extracts from them to be received in evidence by following the prescribed procedure. Under Chapter V of the Act they may be submitted to the Registrar General in view to their being scrutinized by Commissioners, and if found apparently faithful and accurate they will be certified under the hands of the Commissioners. Any extract from a register so certified will under section 35 be available for the purpose of establishing the occurrence to which it relates.

"The time limited in the Act for taking advantage of this special procedure is one year from the date on which the Act might be brought into force, and, though the Act received the assent of the Governor General in March 1886, it was not brought into operation till the first day of October 1888. It was naturally thought that this period of a whole twelvemonth, in addition to the time which might elapse between the publication of the Act and its coming into force, would give ample opportunity to the custodians of old registers to become acquainted with the provisions of the Act, to consider whether or not their registers are already admissible under the general law, and if they had any doubt as to their admissibility to send them to the Registrar General in view to their being certified and obtaining an evidential value. But unfortunately the true import of this chapter of the Act does not seem to have been generally appreciated, and but few persons took advantage of its provisions until after the limited time, the first day of October 1889, had expired. It is therefore proposed to extend the time up to the first day of April next, or rather more than six months from the date at which the Bill which I am about to lay on the table may be expected to become law. The matter has already been explained in a circular letter issued from the Home Department on the 23rd July, 1889, and a further endeavour will now be made to bring it to the notice of all persons having the custody of old registers in such a shape as will be readily comprehended.

"Divested of all complications and technicalities, it may be simply stated in this way. Under section 35 of the Indian Evidence Act, extracts are only receivable if the registers have been kept, either (1) by a public servant in the discharge of his official duty, or (2) by some other person in the performance of a duty specially enjoined by law. Registers which come under either of these categories are admitted even now, and will therefore derive no advantage from the special procedure provided by Chapter V; and, indeed, as that chapter does not apply to registers which have been maintained under a special injunction of law, if any so kept are sent to a Registrar General he can do nothing but return them. Any person therefore having the custody of a register has merely to ask himself these two questions:—

"Were the entries in this register made by a public servant in the discharge of his official duty?"

"If not, were they made under any special injunction of the law?"

If they were not made either by a public servant as such, or under any special provision of law, then, if the custodian desires to obtain for them that evidential

status without which his register will be mere waste paper, he must be careful to submit it to the Registrar General before the 1st April next.

"As the Act is to be amended in this respect I propose to take advantage of the opportunity to remove a doubt which has been felt in some quarters, or perhaps I should rather say in one quarter, whether it is competent to the Governor General in Council under section 33 as it now stands to appoint separate Commissioners for the several Provinces. For many reasons this will be a far more convenient course than to have a single body of Commissioners for the whole of British India and the territories outside British India to which the Act applies."

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also introduced the Bill.

The Hon'ble MR. HUTCHINS also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also moved, under rule 18 of the Rules for the Conduct of the Legislative Business of the Council of the Governor General, that the Bill be taken into consideration by the Council at its next meeting. It was, as he had already explained, of a very simple character, and he thought that it might be considered and passed at the next meeting of the Council.

The Motion was put and agreed to.

#### INDIAN SALT ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved that the Bill to amend the Indian Salt Act, 1882, be referred to a Select Committee consisting of the Hon'ble Sir Andrew Scoble, the Hon'ble Báá Khem Singh Bedi and the Mover, with instructions to report within one month.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 11th September, 1890.

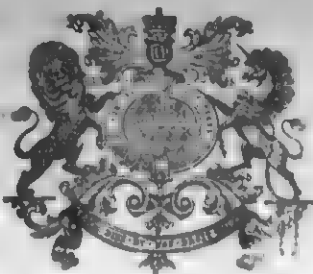
SIMLA;

The 29th August, 1890.

S. HARVEY JAMES,

Secretary to the Government of India,

Legislative Department.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 13, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART VI.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF  
THE ACT OF PARLIAMENT 24 & 25 VICT., CAP. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 11th September,  
1890.

### PRESENT:

His Excellency the Viceroy and Governor General of India, G.C.M.G., G.M.S.I.,  
G.M.I.E., *presiding*.

His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.

The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.

The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.

The Hon'ble Sir C. A. Elliott, K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble R. J. Crosthwaite, C.S.I.

The Hon'ble Bábá Khem Singh Bedi, C.I.E.

### BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS moved that the Bill to amend the Births,  
Deaths and Marriages Registration Act, 1886, be taken into consideration. He  
said:

"This is a Bill which I introduced at the last sitting of the Council, and  
on my motion Hon'ble Members then agreed that it should be taken into con-  
sideration today. It comprises only two simple sections. The first extends  
till the first day of April next the time within which certain registers, which  
have been regularly kept but are not recognized by the law of evidence, may  
after suitable scrutiny acquire evidential value. I fully explained on the last  
occasion how this extension of the limited time had become necessary.

"The object and effect of the second section are to remove all doubt as to  
the power of the Governor General in Council to appoint separate Commissioners  
to scrutinize the registers of the several provinces, instead of one set of Com-  
missioners for all the territory to which the Act applies.

"Local Governments have seen the Act as well as the explanatory remarks which I made a fortnight ago, and I understand that no objection has been made to the immediate passing of the measure."

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also moved that the Bill be passed.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 25th September, 1890.

SIMLA;	}	S. HARVEY JAMES,
<i>The 12th September, 1890.</i>		<i>Secretary to the Government of India,</i> <i>Legislative Department.</i>





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 4, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART VI.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF  
THE ACT OF PARLIAMENT 24 & 25 VICT., CAP. 57.

The Council met at Viceregal Lodge, Simla, on Thursday, the 2nd October,  
1890.

### PRESENT:

His Excellency the Viceroy and Governor General of India, G.C.M.G., G.M.S.I.,  
G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of the Punjab, K.C.S.I.

His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.

The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.

The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.

The Hon'ble Sir C. A. Elliott, K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble R. J. Crosthwaite, C.S.I.

The Hon'ble Bábá Khem Singh Bedi, C.I.E.

### CENSUS BILL.

The Hon'ble MR. HUTCHINS presented the Report of the Select Committee on the Bill to provide for certain matters in connection with the taking of the Census. He explained that the changes made in the Select Committee were not material and that it was not considered necessary that the Bill should be republished.

### INDIAN EMIGRATION ACT, 1883, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS also presented the Report of the Select Committee on the Bill to amend the Indian Emigration Act, 1883. He said that the Committee had reported in favour of the Bill as originally referred to them, but had introduced new sections amending so much of the Act of 1883 as required each emigrant to execute an agreement in triplicate. He would explain these amendments at length when moving that the Bill be taken into consideration, but it seemed right that he should now draw public attention to it, as it was a new matter. It had, however, been fully discussed two or three

years ago, when all the authorities concerned were agreed as to what should be done. In view of this unanimity and of the fact that it was a matter of mere formal procedure, he did not think there was any necessity for republishing the Bill.

#### NORTH-WESTERN PROVINCES AND OUDH BILL.

The Hon'ble MR. CROSTHWAITE presented the Report of the Select Committee on the Bill to provide for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh.

#### INDIAN SALT ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR presented the Report of the Select Committee on the Bill to amend the Indian Salt Act, 1882. He said that the Committee had made only a single verbal alteration in one section and was of opinion that the Bill might now be passed as it stood.

#### CRIMINAL PROCEDURE CODE, 1882, AMENDMENT BILL.

The Hon'ble SIR ANDREW SCOBLE moved for leave to introduce a Bill to amend the Code of Criminal Procedure, 1882. He said :—

"By section 250 of the Criminal Procedure Code power is given to Magistrates, in certain cases, to award to persons, who have been made the victims of frivolous or vexatious complaints, compensation not exceeding fifty rupees in each case for the trouble and annoyance to which they have been subjected by such accusations. But the section as it stands extends only to summons cases; and the High Court of the North-Western Provinces has suggested that its scope should be extended so as to cover all cases triable summarily under Chapter XXII of the Code.

"The object of the Bill is to give effect to this suggestion, but it is considered that the value of the measure will be greatly impaired if the power to award compensation is limited to those Magistrates only to whom the exercise of summary jurisdiction is entrusted. It is therefore proposed to confer the power on Magistrates generally, in regard to the classes of cases which may be tried summarily, safeguarding its exercise, in the case of Magistrates of the second and third classes, by allowing an appeal against an award of compensation in all cases in which, if the accused had been convicted, an appeal would be admissible against the conviction. It is further provided that in all cases, before making an order for the payment of compensation, the Magistrate shall give the complainant an opportunity of showing cause against it, and shall place on record the objections urged against the order and his own reasons for making it. These precautions, it is believed, will prevent any abuse of the power.

"Among the officers and authorities consulted about this Bill there is a general agreement that legislation in this direction is necessary and will be useful. Mr. Justice Muttusami Aiyar writes :—

'Frivolous complaints in petty cases are more numerous than they ought to be, and it is advisable to compensate the injured party at once, and thereby to check them effectually. In petty cases the injured party seldom considers it worth his while either to proceed under section 211 of the Indian Penal Code or to sue for damages.'

The Bombay Government reports :—

'The habit of making frivolous or vexatious complaints in Criminal Courts is common and increasing.'

"There can, I think, be no doubt that this is the case all over India. The Criminal Courts afford a completer and cheaper means of putting an adversary to shame and trouble than the Civil Courts, and are accordingly resorted to with greater frequency for this purpose. I have not therefore been surprised to find that proposals have been made to allow a summary award of compensation in cases of false charges generally in order to put a stop to this misuse of the criminal law. But the law already provides a more appropriate punishment for flagrant offences of this kind, and the desire to find a summary remedy for a growing evil ought not to lead the Legislature to affix to a serious crime a lower

penalty than the law already awards. The operation of the Bill is accordingly limited to charges of the comparatively trivial offences which may be summarily dealt with and as to which it appears that the law has been set in motion for malicious or insufficient reasons."

The Motion was put and agreed to.

The Hon'ble SIR ANDREW SCOBLE also introduced the Bill.

The Hon'ble SIR ANDREW SCOBLE also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 16th October, 1890.

SIMLA;	}	S. HARVEY JAMES,
<i>The 3rd October, 1890.</i>		<i>Secretary to the Government of India,</i> <i>Legislative Department.</i>

NOTE.—The Meeting fixed for the 25th September, 1890, was subsequently postponed to the 2nd October, 1890.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 18, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART VI.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VICT., CAP. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 16th October, 1890.

### PRESENT:

His Excellency the Viceroy and Governor General of India, G.C.M.G., G.M.S.I.,  
G.M.I.E., *presiding*.

The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.

The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.

The Hon'ble Sir C. A. Elliott, K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble R. J. Crosthwaite, C.S.I.

The Hon'ble Bába Khem Singh Bedi, C.I.E.

### CENSUS BILL.

The Hon'ble MR. HUTCHINS moved that the Report of the Select Committee on the Bill to provide for certain matters in connection with the taking of the Census be taken into consideration. He said:

"Substantially this Bill remains just as it was drafted when I introduced it last July. A number of small alterations have been made by the Select Committee, but all these have been enumerated in its Report, and I think there are only four or five which require some further short explanation at my hands.

"One of these amendments occurs in the first section. As originally drafted, only four clauses, those which now appear as the second, third and last two sections, were to be applied at once to the whole of British India; Local Governments were left to extend the other sections or not as they thought fit. The Committee considered this an unnecessary and unreasonable distinction. The law is one which ought to be in force in all India even though there are very few places in which it is likely that effect will have to be given to the penal provisions. When a census-officer has to fill up a schedule, he must have power everywhere to ask the appropriate questions and to demand answers; and, when a schedule is handed to a householder to be filled in, there ought to be the same sanction in every

province to compel him to do what is needful. Most of the other clauses are merely permissive, and they will not be made compulsory by their extension to the whole country.

"The second provision to which I would refer is sub-section (d) of section 4. At the instance of the Madras Government the word 'Secretary' has here been inserted, and the same Government proposed to add to 'sarais, hotels,' &c., the words 'choultry and cart-stand'. The word 'cart-stand,' however, would not be understood in other parts of India, and it appeared to the Committee that the term 'sarai' includes everything of the nature of a choultry or cart-stand (as understood in Madras) to which it would ever be desirable that the provisions of section 4 should be applied. Sarai is defined in Act XXII of 1867 as meaning any building used for the shelter and accommodation of travellers, and as including, in any case in which only part of a building is used as a sarai, the part so used of such building.

"The additions made to section 5 hardly require explanation. Various Local Governments have suggested that there are certain classes of persons or local bodies in their respective territories, over and above those originally specified in the section, who may with advantage be required to give assistance towards the taking of the census. These have accordingly been inserted.

"Section 6 empowers a census-officer to ask all such questions as by instructions issued in this behalf by the Local Government, and published in the official Gazette, he may be directed to ask. The Judges of the High Court at Calcutta have expressed an opinion that the questions ought to be prescribed in the Act itself and not left to the Local Government; but this is not the course followed in British legislation. The Census Acts for both England and Scotland allow such questions as may be directed in instructions issued by the Secretary of State and as are necessary for the preparation of the schedules. The instructions vary slightly in different provinces of this vast country, having to be adapted to local circumstances and prejudices. They have all been carefully settled, and show that the prescribed questions are really necessary for the preparation of the schedules. In this connection I may mention that, following a very general recommendation, the exemption of a woman from the necessity of giving her husband's name has been extended in section 7 so as to cover the name of any other person whose name custom may forbid her to mention.

"Lastly, clause (e) of section 10 prescribes a punishment for the removal or obliteration before 31st March, 1891, of any letters, marks or numbers affixed to premises for the purposes of the census. It was proposed to insert here the words 'without sufficient cause,' but we came to the conclusion in Committee that section 11 (3), as now revised, will afford all necessary protection against unreasonable prosecutions. No prosecution under the Act can now be instituted without the special leave of the Local Government or of some officer specially authorised by the Local Government in this behalf. We may rest assured that such leave will not be given in respect of any act for which the accused person is able to show a sufficient excuse."

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

#### INDIAN EMIGRATION ACT, 1883, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS also moved that the Report of the Select Committee on the Bill to amend the Indian Emigration Act, 1883, be taken into consideration. He said:

"This Bill as referred to the Select Committee consisted of three clauses, now numbered as sections 5, 7 and 8. The Council will remember that there were two objects with which the Bill had been prepared. The first was to do away with the necessity for an entirely fresh survey of the hull and machinery of a duly certified steamer, whenever it is proposed to employ it for the purpose of carrying emigrants. The second was to place emigration to British North Borneo, carried on through the agency of the Government of the Straits Settlements, on the same footing as emigration to those Settlements and the adjoining

Native States. The clauses dealing with these matters have been generally approved, and the Committee has retained them exactly as they were drafted, and recommends that they may be passed into law.

"Of the other sections which the Committee has added to the Bill, the first and the last merely correct two clerical errors which have been discovered in the Act of 1883; these require no further explanation. The remaining sections deal with quite a new matter, and when I presented the Committee's Report a fortnight ago I briefly drew attention to this point and promised to explain it more in detail.

"As long ago as 1887 it was reported by the Governments of Madras and Bengal, which have most to do with emigration, that much trouble and delay are caused by that part of the Act of 1883 which requires an agreement to be prepared in triplicate for each intending emigrant. The Emigration Agents stated that the third copy is not required for transmission to the Colonies, and that a copy of the particulars registered under section 31 is sufficient for their purposes. And as far as the Protector is concerned, when 40 or 50 emigrants are registered on the same terms and at the same time, it is obviously more convenient for him to have a single list of them than 40 or 50 separate agreements. In these circumstances new sections 2, 3, 4 and 6 have been introduced into the Bill as revised, providing that agreements shall be executed in duplicate instead of in triplicate, and that any number of intending emigrants appearing with the same recruiter before the Registering-officer or Protector at the same time, and desiring to emigrate on the same terms to the same country, may execute for record in the Protector's office a single instrument of agreement instead of as many such instruments as there are intending emigrants.

"These modifications of the law will not, in the Committee's opinion, involve any reasonable ground for complaint respecting the procedure under the Act as to the execution of agreements. Each emigrant will still receive for his own use a copy of his own separate agreement. The Protector will have a complete record of each man's contract. The Emigration Agents will get all such particulars regarding each registered emigrant as are really required. But the time and trouble now spent in preparing triplicate engagements will be saved, and the Protector and the Agents will be relieved of the custody of many cumbrous and unnecessary documents. Under section 31 each emigrant has to be separately examined apart from his recruiter, and it is only after he has satisfied the Registering-officer that he is going willingly and understands what he is about, that he can be registered. The execution of the contract takes place subsequently. I think therefore that there can be no risk in allowing it to be executed by several emigrants in batches.

"Both the Governments concerned have seen the sections since I presented the Committee's Report and their approval has been signified to us by telegraph. The Madras Government has raised one objection under the impression that each emigrant would not get a copy of his own agreement, but this, as I have stated already, will not be the case."

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

#### INDIAN SALT ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved that the Report of the Select Committee on the Bill to amend the Indian Salt Act, 1882, be taken into consideration.

The Motion was put and agreed to.

The Hon'ble SIR DAVID BARBOUR also moved that the Bill, as amended, be passed. He said that he had already explained the nature of the measure, which merely continued the existing practice. The Bill had met with no opposition on the part of the public, and the Select Committee had made only a verbal

alteration in a single sentence, and reported that the Bill might now be passed as it stood. He need not therefore trouble the Council with any further remarks.

The Motion was put and agreed to.

#### NORTH-WESTERN PROVINCES AND OUDH BILL.

The Hon'ble MR. CROSTHWAITE moved that the Report of the Select Committee on the Bill to provide for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh be taken into consideration. He said :

" The Bill has been generally approved and the only provisions which have been objected to are those which relate to appeals under the Oudh Rent Act, 1886. As that Act now stands, there are five grades of Courts of Revenue which alone can take cognizance of suits under the Act. These Courts are the Assistant Collector of the second class, the Assistant Collector of the first class, the Collector, the Commissioner and the Judicial Commissioner. The rule as regards appeals may be stated generally as follows. First appeals lie from the decisions of Assistant Collectors of the second class, to the Collector; from the decisions of Assistant Collectors of the first class and Collectors, to the Commissioner; and from the decisions of the Commissioner, to the Judicial Commissioner. Second appeals, when allowed by law, lie to the Judicial Commissioner. It is further provided in section 119 of the Act that the original or appellate decrees of a Commissioner or a Collector in suits of a certain description and of a value not exceeding one hundred rupees shall be final, unless a question of right to enhance or vary the rent of a tenant, or a question relating to a title to land or to an interest in land, has been determined by the decree or order. The Bill as introduced proposed to make the Board of Revenue the principal Court of Revenue in the place of the Judicial Commissioner: to divide, after the manner of the North-Western Provinces Rent Act, 1881, suits under the Oudh Rent Act into two classes, in one of which the ultimate Court of Appeal should be the Board of Revenue, and in the other the Judicial Commissioner. In the former class of suits it was proposed that appeals should lie from the Assistant Collector of the second class, to the Collector, and from the Assistant Collector of the first class and the Collector, to the Commissioner. There was to be no second appeal from the appellate decree or order of a Collector, but from the Commissioner a second appeal was to lie to the Board if the Commissioner reversed or varied the decree or order of the Court of first instance. In the latter class of suits, that is to say, the class cognizable by the Judicial Commissioner, the decisions of Collectors and Assistant Collectors of the first class were to be final, unless the value of the suit exceeded one hundred rupees, or a question of right to enhance or vary the rent of a tenant, or a question relating to a title to land or some interest in land, had been determined in the suit, in which case an appeal would lie to the District Judge or the Judicial Commissioner according to the value of the suit. It was also proposed by section 47 of the Bill to enact a provision conferring on the Board a power to call for the record of any suit in which the decree or order was not appealable, and to revise, if necessary, the decree or order. Thus, speaking generally, the Bill proposed to transfer from the Judicial Commissioner to the Board the final jurisdiction in a large class of suits, and to impose further restrictions on the right of appeal, but to compensate for this restriction by giving the Board an extensive power of revision.

" On further consideration the Lieutenant-Governor was of opinion that there were serious objections to the principle of restricting the right of appeal and at the same time making all unappealable cases open to revision by the Board. His Honour considered that the Board of Revenue was right in saying that 'the result of declaring the orders and decisions of Assistant Collectors of the first class not open to appeal is not really to make those orders final, but to substitute an informal for a formal appeal.' 'Each application for review,' he remarks, 'necessitates calling for, and consideration of, the file of the lower Court, even though in the end the application may be rejected.' The result of the system of barring appeals and allowing instead a revision by the Board of Revenue appears to be practically this, that disappointed suitors who cannot appeal apply to the

Board for a revision of their cases, and the Board is thus led to spend in considering and revising petty cases time which might be more profitably employed. On the other hand, objection was taken by the Oudh Bar, the Talukdars and others to the proposed restriction of the right of appeal; and it was urged that Assistant Collectors of the first class in Oudh were not qualified as regards knowledge or experience to pass unappealable decrees. His Honour was accordingly of opinion that the section of the Bill conferring the power of revision on the Board should be omitted, and that the right of appealing from decrees and orders under the Rent Act should be enlarged. Sir Auckland Colvin proposed that, subject to the provisions of the Code of Civil Procedure, a first and second appeal should be allowed in all cases, subject to this exception, that there should be only one appeal from the original decree or order of a Collector in a suit of the class in which the Board of Revenue was to have jurisdiction and that that appeal should be allowed only on a question of law. His Honour also proposed that second appeals from the appellate decrees and orders of the Collector should lie to the Commissioner, as the Board would not be able to dispose of them with the promptitude required.

"These proposals, my Lord, have been adopted by the Select Committee after careful consideration. They do not appear to be open to objection, except as regards the proposal to divide the jurisdiction between the Revenue and Civil Courts, and against this proposal the Oudh Talukdars and others have advanced objections which, it must be allowed, have weight. It is said that the appellate system proposed is complicated, and therefore likely to cause trouble to the agricultural classes with whom the Act has to deal. It is, moreover, inexpedient to have two or more Courts of second appeal to decide finally questions of law arising under one Act. There is a probability that the different Courts will not always take the same view of the law, and it is more convenient to the people to have one Court of final appeal in all cases. His Honour the Lieutenant-Governor is, however, of opinion that it is most important that the Board of Revenue should be given the jurisdiction proposed. 'Experience,' he says, 'has incontestably shown that no provisions in Act XVIII of 1873 (the North-Western Provinces Rent Act, 1873) have worked better than those by which the jurisdiction over applications was in the North-Western Provinces transferred from the Civil to the Revenue Courts. It is in cases similar to applications in the North-Western Provinces that the present Bill gives a second appeal to the Revenue Board. It may safely be said that the knowledge gained by this means of matters affecting agricultural tenures and the condition of the agricultural body has proved invaluable to the superior revenue-authorities, and that these provisions have completely fulfilled the objects with which they were introduced by the Legislature of 1873.' With regard to the objection that the different Appellate Courts may give conflicting decisions as to the law, His Honour, in reply to the British Indian Association of Oudh, remarks that no conflict of rulings has resulted under similar conditions in the neighbouring province.

"It must be admitted, I think, that the experience in matters relating to the agricultural classes which the Board gains by supervising the Rent Courts is of great advantage to the revenue-administration, while, on the other hand, the knowledge acquired by the Board in its executive capacity enables it the better to understand the questions which come before it for judicial decision in suits between landlords and tenants. It is a case in which the union of executive and judicial functions is calculated to work well in the interests of both suitors and the agricultural classes generally. The Local Government was also of opinion that there was a tendency in the Judicial Commissioner's Court to regard appeals under the Rent Act as business of less importance than the civil and criminal cases; that a Revenue Court would both be able to dispose of rent appeals at once, and would in the ordinary course of its work consider the early disposal of such appeals as a matter of paramount importance. The Committee, after fully considering the question, decided to be guided by the strong opinion expressed by His Honour the Lieutenant-Governor, supported, as it is, by that of the majority of the experienced officers who have been consulted. Accordingly the provisions regarding the division of the appellate jurisdiction between the Board and the Judicial Commissioner have been retained in the Bill, and the sections regarding appeals have been amended in accordance with the recommendations of the Local Government.



"To prevent as far as possible the difficulties and delays which are apt to arise with respect to questions of jurisdiction in rent cases, especially where appeals lie in one class of those cases to Revenue Courts and in other classes to Civil Courts, the Select Committee has, with the concurrence of the Lieutenant-Governor, inserted in the Oudh Rent Act sections taken from the North-Western Provinces Rent Act, 1881. The provisions of these sections will, it is hoped, lead to the prompt decision of questions as to jurisdiction, and prevent the mischief of suitors being referred by the Revenue to the Civil Courts and then by the Civil to the Revenue Courts.

"Of the minor amendments made in the Bill I need only notice the following. First, by sections 28 to 31, both inclusive, of the Bill as now amended we have, at the suggestion of the Local Government, made the Board of Revenue the Court of Wards for Oudh. The Deputy Commissioner is now the Court of Wards for his district, but it is considered that, as the revenue-administration of Oudh is now to be transferred to the Board, that body should be the Court of Wards for Oudh as it is for the North-Western Provinces.

"Secondly, with regard to the Civil Courts in Oudh, we have, on the recommendation of the Local Government, provided in section 39 of the Bill as now amended that appeals from Subordinate Judges shall in suits of a value exceeding five thousand rupees lie to the Judicial Commissioner. The rule will thus be in accordance with the rule contained in the Bengal, North-Western Provinces and Assam Civil Courts Act as to appeals from Subordinate Judges. By section 40 of the Bill section 24 of the Oudh Civil Courts Act has been amended so as to enable the Local Government to invest Munsifs with the powers of a Court of Small Causes in suits not exceeding one hundred rupees in value. As that Act now stands, Munsifs in Oudh can only be invested with such powers in suits not exceeding fifty rupees, and it is considered that it is expedient that the law in this respect should be the same as that in force in Bengal and the North-Western Provinces.

"As strong representations have been made with respect to the amendment of the law regarding second appeals from the Civil Courts in Oudh, I may mention that this matter is being considered with reference to the constitution of the Judicial Commissioner's Court, and has not, therefore, been dealt with in the Bill."

The Motion was put and agreed to.

The Hon'ble MR. CROSTHWAITE also moved that in section 35 of the Bill, as amended, for the words "the same Act" the words "the latter Act" be substituted. He said that the amendment was merely a verbal one and required no explanation.

The Motion was put and agreed to.

The Hon'ble MR. CROSTHWAITE then said:—"I propose, with Your Excellency's permission, to move the next two amendments which stand on the list together, as they both relate to the same matter. The first amendment is that after section 35 of the Bill, as amended, the following section be inserted in the Bill as section 36, namely:

New section substituted for section 36. For section 8 of the Oudh Local Rates Act, 1878, the following shall be substituted, namely;

"8. (1) Suits for the recovery from co-sharers, under-proprietors, permanent lessees or tenants as aforesaid of any sum on account of any such rate, and suits on account of illegal exaction of such rate, or for the settlement of accounts, shall be cognizable by the Courts of Revenue in Oudh as though such suits were suits mentioned in section 108, clause (15), (16) or (17), of the Oudh Rent Act, 1886.

"(2) Appeals from decisions in such suits shall be cognizable in accordance with the provisions of the said Act as though they were decisions in suits mentioned in section 108, clause (15), (16) or (17), of the said Act"; and that the numbering of the sections in the Bill be amended accordingly.

"The second amendment is that after section 59 of the Bill, as amended, the following section be inserted as section 61, namely:

"61. In section 16 of the North-Western Provinces and Oudh Kanungos and Patwaris Act, 1889, there shall be inserted after the word and figures "section 108" the word and figure "clause (2)";

and that the numbering of the sections in the Bill be amended accordingly."

"The object of these two amendments is to bring the law in Oudh regarding the recovery of rates under the Oudh Local Rates Act and the Kanungos and Patwaris Act into conformity with the law in the North-Western Provinces. Suits for the recovery of these rates are both in Oudh and the North-West made cognizable as suits under the Rent Act, and the amendments are intended to place these suits under the same class of rent-suits in both provinces, namely, under the class in which the appeal lies to the Judge and the High Court. It may cause inconvenience and error if the appeal in Oudh lies to the Board while in the North-West it lies to the District Judge. The amendments are approved of by the Local Government."

The Motion was put and agreed to.

The Hon'ble MR. CROSTHWAITE also moved that for section 61 of the Bill, as amended, the following section be substituted as section 63, namely:

"63. (1) Notwithstanding anything in section 152 of the North-Western Provinces Rent Act, 1881, or in section 128 of the Oudh Rent Act, 1886, the Board of Revenue of the North-Western Provinces and Oudh shall for the disposal of cases under those Acts sit in such place or places in the North-Western Provinces or Oudh as the said Lieutenant-Governor and Chief Commissioner may, by notification in the official Gazette, appoint in respect to cases under either of those Acts.

(2) For the disposal of cases other than those referred to in sub-section (1) the said Board may, subject to the orders of the said Lieutenant-Governor and Chief Commissioner, sit in any place in the North-Western Provinces or Oudh that the Board thinks fit."

He said:—"Section 53 of the Bill as introduced, following the North-Western Provinces Land-revenue Act, provided that the Board of Revenue might, subject to the orders of the Lieutenant-Governor, sit in any place in the North-Western Provinces or Oudh. This section was amended in Committee by section 61 of the amended Bill, as it was considered that, having regard to the extensive jurisdiction which it is proposed to confer on the Board, the place or places where the Board should sit for the disposal of business should be fixed by the Local Government, so as to secure that the convenience of the public should be sufficiently consulted. His Honour the Lieutenant-Governor, however, is of opinion that it will not be practicable, considering the nature of the business which the Board has to dispose of and the fact that the Board has to proceed on tour in the cold weather, to fix places where alone business can be transacted. I think that as regards revenue work it will be best to allow the Board to sit where it thinks fit, subject to the orders of the Lieutenant-Governor. It would be found inconvenient if the Board, having made a local inquiry in a settlement case, for instance, was compelled to proceed to some other place in order to record a decision. With regard, however, to rent cases it was considered that the Board, being a Court of second appeal, and having only to decide questions of law, should sit at some place or places convenient to the public and of which the public have sufficient notice. It should be possible for suitors who wish to have a question of law decided by a Court of final appeal to have the case argued by counsel and regularly heard. It is proposed therefore to amend section 61 of the Bill so as to provide that the Local Government shall fix the place or places where the Board is to sit for the disposal of cases under the Oudh or North-Western Provinces Rent Act, and that for the disposal of all other cases the Board may, subject to the orders of the Lieutenant-Governor and Chief Commissioner, sit at such place as the Board thinks fit."

The Hon'ble SIR CHARLES ELLIOTT said:—"I should like to say one word with regard to the section which it is proposed to substitute. I see no objection to it, and I understand that it completely meets the objection raised by the Lieutenant-Governor; but I should like it to be understood that the meaning of this section is not that it is feared by the Council that the Board of Revenue would, if it were not prevented by any law, sit in such places as would be inconvenient to the public, or the suitors engaged in the appeals heard by them, and that the section in question is meant more to legalise and proclaim an habitual practice than to imply restraint by law on anything which they would be likely to do."

The Motion was put and agreed to.

The Hon'ble MR. CROSTHWAITE then moved that the Bill, as now amended, be passed.

The Motion was put and agreed to.

## • REPEALING AND AMENDING BILL.

The Hon'ble SIR ANDREW SCOBLE moved for leave to introduce a Bill to repeal certain obsolete enactments and to amend certain other enactments. He said:

"It is one of the functions of the Legislative Department from time to time to publish editions of the Acts and Regulations in force in British India, so that officials and the public generally may have in a compact form the body of statute law applicable to British India generally, or to particular Provinces, revised and corrected so as to show the latest amendments introduced by the various Legislative Councils. In the course of preparing these editions it is found that some enactments have become spent by lapse of time, or inapplicable by change of circumstances, and that, to use Lord Hobhouse's expression, 'there is dead matter in the statute-book which may advantageously be removed.' It also happens that obvious errors are discovered which it is desirable not to perpetuate.

"The Bill which I now ask leave to introduce has for its object to correct these errors and to get rid of these superfluities. It has been prepared by Mr. Wigley, whose work has been carefully checked by Mr. Harvey James, and, so far as I am able to judge, will not remove from the Indian statute-book anything of living importance, while I hope it will facilitate the production of a more accurate edition of the Acts and Regulations than is now possible."

The Motion was put and agreed to.

The Hon'ble SIR ANDREW SCOBLE also introduced the Bill.

The Hon'ble SIR ANDREW SCOBLE also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

The Council adjourned *sine die*.

SIMLA;

The 17th October, 1890.

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S. HARVEY JAMES,

Secretary to the Government of India,

Legislative Department.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 13, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART VI.

Debates of the Legislative Council of His Excellency the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF  
THE ACT OF PARLIAMENT 24 & 25 VICT., CAP. 67.

The Council met at Government House on Friday, the 12th December, 1890.

### PRESENT:

His Excellency the Viceroy and Governor General of India, G.C.M.G.,  
G.M.S.I., G.M.I.E., *presiding*.  
His Honour the Lieutenant-Governor of Bengal, K.C.S.I., C.I.E.  
The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.  
The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.  
The Hon'ble Sir C. A. Elliott, K.C.S.I.  
The Hon'ble P. P. Hutchins, C.S.I.  
The Hon'ble Sir D. M. Barbour, K.C.S.I.  
The Hon'ble R. J. Crosthwaite, C.S.I.  
The Hon'ble Sir Alexander Wilson, Kt.  
The Hon'ble F. M. Halliday.  
The Hon'ble Rao Bahádur Krishnaji Lakshman Nulkar, C.I.E.  
The Hon'ble Nawab Ashan-Ulla, Khan Bahádur.  
The Hon'ble Sir Romesh Chunder Mitter, Kt.

### NEW MEMBERS.

The Hon'ble NAWAB ASHAN-ULLA, KHAN BAHÁDUR, and the Hon'ble  
SIR ROMESH CHUNDER MITTER took their seats as Additional Members.

### BANKRUPTCY AND INSOLVENCY BILL.

The Hon'ble Sir ANDREW SCOBLE moved that the Hon'ble Mr. Crosthwaite, the Hon'ble Sir Alexander Wilson and the Hon'ble Sir Romesh Chunder Mitter be added to the Select Committee on the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.  
The Motion was put and agreed to.

**INDIAN FACTORIES ACT, 1881, AMENDMENT BILL.**

The Hon'ble SIR ANDREW SCOBLE also moved that the Hon'ble Mr. Bliss be added to the Select Committee on the Bill to amend the Indian Factories Act, 1881.

The Motion was put and agreed to.

**INDIAN EVIDENCE ACT, 1872, AND CODE OF CRIMINAL PROCEDURE, 1882, AMENDMENT BILL.**

The Hon'ble SIR ANDREW SCOBLE also moved that the Bill to amend the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882, be referred to a Select Committee consisting of the Hon'ble Mr. Hutchins, the Hon'ble Mr. Crosthwaite, the Hon'ble Sir Romesh Chunder Mitter and the Mover.

The Motion was put and agreed to.

**CATTLE-TRESPASS ACT, 1871, AMENDMENT BILL.**

The Hon'ble MR. HUTCHINS moved that the Hon'ble Mr. Halliday and the Hon'ble Rao Bahádur Krishnaji Lakshman Nulkar be added to the Select Committee on the Bill to amend the Cattle-trespass Act, 1871.

The Motion was put and agreed to.

**INDIAN CHRISTIAN MARRIAGE ACT, 1872, AMENDMENT BILL.**

The Hon'ble SIR ANDREW SCOBLE moved that the Bill to amend the Indian Christian Marriage Act, 1872, be referred to a Select Committee consisting of the Hon'ble Mr. Hutchins, the Hon'ble Mr. Crosthwaite, the Hon'ble Mr. Bliss and the Mover.

The Motion was put and agreed to.

**CRIMINAL PROCEDURE CODE, 1882, AMENDMENT BILL.**

The Hon'ble MR. HUTCHINS also moved that the Bill to amend the Code of Criminal Procedure, 1882, be referred to a Select Committee consisting of the Hon'ble Mr. Hutchins, the Hon'ble Mr. Crosthwaite, the Hon'ble Sir Romesh Chunder Mitter and the Mover.

The Motion was put and agreed to.

**REPEALING AND AMENDING BILL.**

The Hon'ble MR. HUTCHINS also moved that the Bill to repeal certain obsolete Enactments and to amend certain other Enactments be referred to a Select Committee consisting of the Hon'ble Mr. Crosthwaite, the Hon'ble Mr. Bliss, the Hon'ble Sir Romesh Chunder Mitter and the Mover.

The Motion was put and agreed to.

The Council adjourned to Friday, the 19th December, 1890.

S. HARVEY JAMES,

*Secretary to the Government of India,  
Legislative Department.*

FORT WILLIAM;  
*The 12th December, 1890.*



# The Gazette of India.

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CALCUTTA, SATURDAY, DECEMBER 20, 1890.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART VI.

Debates of the Legislative Council of His Excellency the Governor General.

GOVERNMENT OF INDIA  
LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF  
THE ACT OF PARLIAMENT 24 & 25 VICT., CAP. 67.

The Council met at Government House on Friday, the 19th December, 1890.

### PRESENT:

His Excellency the Viceroy and Governor General of India, G.C.M.G.,  
G.M.S.I., G.M.I.E., *presiding*.  
His Honour the Lieutenant-Governor of Bengal, K.C.S.I.  
The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.  
The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.  
The Hon'ble P. P. Hutchins, C.S.I.  
The Hon'ble Sir D. M. Barbour, K.C.S.I.  
The Hon'ble Sir C. H. T. Crosthwaite, K.C.S.I.  
The Hon'ble R. J. Crosthwaite, C.S.I.  
The Hon'ble Sir Alexander Wilson, Kt.  
The Hon'ble F. M. Halliday.  
The Hon'ble Rao Bahádur Krishnaji Lakshman Nulkar, C.I.E.  
The Hon'ble Nawab Ashan-Ulla, Khan Bahádur.  
The Hon'ble Sir Romesh Chunder Mitter, Kt.

### MERCHANT SHIPPING ACT, 1880, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved for leave to introduce a Bill to amend the Indian Merchant Shipping Act, 1880. He said:—

“Under the Indian Merchant Shipping Act of 1880 the Masters of British ships are required to mark on their ships, by means of discs, the maximum load-line in salt water to which it is intended to load such ships.

“The position of the maximum load-line in salt water is, however, under that Act left to the option of the Masters, subject to restrictions regarding



the retention for certain periods of the discs by which the load-line has been marked.

"The Indian Merchant Shipping Act of 1880 follows in this respect the provisions of the English law which were in force when the Act of 1880 was passed. A very important change in the law has, however, been made by the English Merchant Shipping Act of 1890. The position of the disc which indicates the maximum load-line is no longer left to the discretion of the Masters of the ships; and the disc must now be placed at such distance below the deck line as may be approved by the Board of Trade, provided that the position of the disc shall be fixed in accordance with the table framed by the Load-Line Committee in 1885.

"Under any circumstances, it would be desirable that the law in reference to the fixing of the position of the maximum load-line should be the same in India as in England, and the English Act of 1890 will in fact apply to ships registered in India at the expiration of 12 months from the passing of the Act.

"The Bill which I propose to introduce has for its object the assimilation of the Indian to the English law in regard to the maximum load-line, and under it the maximum load-line will be fixed, as nearly as may be, in accordance with the Act of 1890, and the instructions of the Board of Trade issued under that Act. When the Bill has been passed it will be lawful to declare by an order in Council that any load-line fixed and marked under the Indian law, and any certificate given in accordance with that law, shall have the same effect as if it had been fixed, marked or given under the provisions of the English Act of 1890. There is at present another Bill before the Council which deals with the Merchant Shipping Law and I hope that it will be found possible to amalgamate that Bill with the one which I now propose to introduce. The present Bill has been introduced as a separate measure in order to prevent delay and to give greater prominence to the change which is being made than would be obtained by merely instructing the Select Committee to add the necessary provisions to the Bill which was introduced last year, and which is still before the Council."

The Motion was put and agreed to.

The Hon'ble SIR DAVID BARBOUR also introduced the Bill.

The Hon'ble SIR DAVID BARBOUR also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Fort St. George Gazette, the Bombay Government Gazette, the Calcutta Gazette and the Burma Gazette in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

#### ACT X OF 1841 AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR also moved for leave to introduce a Bill to amend Act X of 1841 (*Registration of Ships*). He said:—

"The tonnage of vessels registered under Act X of 1841 is ascertained by methods based on those prescribed by the English Law which was in force at the time when Act X of 1841 was framed.

"These methods have since been superseded by the English Merchant Shipping Act of 1854 and by the Merchant Shipping (Tonnage) Act of 1889.

"It is desirable on general grounds that the rules for the ascertainment of register tonnage should, so far as practicable, be the same in India and in the United Kingdom. In cases where dues are levied on the register tonnage there would in practice be inequality in the treatment of different classes of ships, all owned by British subjects, if the register tonnage of British and British Indian ships were not ascertained by the same methods.

"The Bill which I propose to introduce is very short, and has for its object to secure uniformity in the methods of ascertaining register tonnage."

The Motion was put and agreed to.

The Hon'ble SIR DAVID BARBOUR also introduced the Bill.

The Hon'ble SIR DAVID BARBOUR also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Fort St. George Gazette, the Bombay Government Gazette, the Calcutta Gazette and the Burma Gazette in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

The Council adjourned to Friday, the 2nd January, 1891.

S. HARVEY JAMES,

*Secretary to the Government of India,  
Legislative Department.*

FORT WILLIAM;

*The 19th December, 1890.*

